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Monday,
25th July, 1955

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Achal Singh Seth [Agra Distt. (West)].

Achalu, Shri Sunkam (Nalgonda—Reserved—Sch. Castes).

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Azad, Shri Bhagwat Jha (Purnea *cum* Santal Parganas).

B

Babunath Singh, Shri (Surguja-Raigarh—Reserved—Sch. Tribes).

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Bagdi, Shri Magan Lal (Mahasamund).

Bahadur Singh, Shri (Ferozepore Ludhiana—Reserved—Sch. Castes).

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Baldev Singh, Sardar (Nawan Shahr).

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Banerjee, Shri Durga Charan (Midnapore-Jhargram).

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Bhargava, Pandit Thakur Das (Gurgaon).

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C

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Damodaran, Shri Nettur P. (Tellicherry).

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F

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Joshi, Shrimati Subhadra (Karnal).

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Kachiroyar, Shri N. D. Govindaswami (Cuddalore).

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Karni Singhji, His Highness Maharaja Sri Bahadur of Bikaner (Bikaner-Churu).

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Khan, Shri Shahnawaz (Meerut Distt. —North East).

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Krishna Chandra, Shri (Mathura Distt.—West).

Krishnamachari, Shri T. T. (Madras).

Krishnappa, Shri M. V. (Kolar).

Krishnaswami, Dr. A. (Kancheepuram).

Kureel, Shri Baij Nath (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East—Reserved—Sch. Castes).

L

Lakshmayya, Shri Paidi (Anantapur).

Lallanji, Shri (Faizabad Distt.—North-West).

Lal Singh, Sardar (Ferozepur-Ludhiana).

Lanka Sundaram, Dr. (Visakhapatnam).

Laskar, Shri Nibaran Chandra (Cachar-Lushai Hills—Reserved—Sch. Castes).

Laisram Jogeswar Singh, Shri (Inner Manipur).

Lingam, Shri N. M. (Coimbatore).

Lotan Ram, Shri (Jalaun Distt. *cum* Etawah Distt.—West *cum* Jhansi Distt.—North—Reserved—Sch. Castes).

M

Mahapatra, Shri Sibnarayan Singh (Sundargarh—Reserved—Sch. Tribes).

Mahata, Shri Bhajahari (Manbhum South *cum* Dhalbhum).

Mahendra Nath Singh, Shri (Saran Central).

Mahodaya, Shri Vaijanath (Nimar).

Majhi, Shri Chaitan (Manbhum—South *cum* Dhalbhum—Reserved—Sch. Tribes).

Majhi, Shri Ram Chandra (Mayurbhanj—Reserved—Sch. Tribes).

Majithia, Sardar Surjit Singh (Taran Taran)

Mallish, Shri U. Srinivasa (South Kanara—North).

Malludora, Shri Gam (Visakhapatnam—Reserved—Sch. Tribes).

Malvia, Shri Bhagu-Nandu (Shajapur-Rajgarh—Reserved—Sch. Castes).

Malvia, Shri Motilal (Chhatarpur-Datia-Tikamgarh—Reserved—Sch. Castes).

Malviya, Pandit Chatur Narain (Raisen).

Malaviya, Shri Keshava Deva (Gonda Distt.—East *cum* Basti Distt.—West).

Mandal, Dr. Pashupati (Bankura—Reserved—Sch. Castes.)

Mascanene, Kumari Annie (Trivandrum).

Masuriya Din, Shri (Allahabad Distt.—East *cum* Jaunpur Distt.—West—Reserved—Sch. Castes).

Mathew, Prof. C. P. (Kottayam).

Mathuram, Dr. Edward Paul (Tiruchirapalli)

Matthen, Shri C. P. (Thiruvellah).

Mavalankar, Shri G. V. (Ahmedabad).

Maydeo, Shrimati Indira A. (Poona South).

Mehta, Shri Asoka (Bhandara).

Mehta, Shri Balvantray Gopaljee (Gohilwad).

Mehta, Shri Balwant Sinha (Udaipur).

Mehta, Shri Jaswantrai (Jodhpur).

Menon, Shri K. A. Damodara (Kozhikode).

Minimata, Shrimati (Bilaspur-Durg-Raipur—Reserved—Sch. Castes).

Mishra, Pandit Suresh Chandra (Monghyr—North-East).

M—*contd.*

Mishra, Shri Bibhuti (Saran *cum* Champaran).

Mishra, Shri Lalit Narayan (Darbhanga *cum* Bhagalpur).

Mishra, Shri Lokenath (Puri).

Mishra, Shri Mathura Prasad (Monghyr—North-West).

Mishra, Shri Shyam Nandan (Darbhanga—North).

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Misra, Shri Raghubar Dayal (Bulandshahr Distt.)

Misra, Pandit Lingaraj (Khurda).

Misra, Shri Bhupendra Nath (Bilaspur-Durg-Raipur).

Missir, Shri Vijineswar (Ga a—North).

Morarka, Shri Radheshyam Ram Kumar (Ganganagar-Jhunjhunu).

More, Shri K. L. (Kolhapur *cum* Satara—Reserved—Sch. Castes).

More, Shri Shankar Shantaram (Sholapur).

Mudaliar, Shri C. Ramaswami (Kumbakonam).

Mu ammad Islamuddin, Shri (Purnea North-East).

Muhammed Khuda Bukhsh,] Shri, (Murshidabad).

Mukerjee, Shri Hirendra Nath (Calcutta—North-East).

Mukne, Shri Y. M. (Thana—Reserved—Sch. Tribes).

Muniswamy, Shri N. R. (Wandiwash).

Murli Monohar, Shri (Ballia Distt.—East).

Murthy, Shri B. S. (Eluru).

Musafir, Shri Gurmukh Singh (Amritsar).

Mushar, Shri Kirai (Bhagalpur *cum* Purnea—Reserved—Sch. Castes).

Muthukrishnan, Shri M. (Vellore—Reserved—Sch. Castes).

N

Naidu, Shri Nalla Reddi (Rajahmundry).

Nair, Shri C. Krishnan (Outer Delhi).

Nair, Shri N. Sreekantan (Quilon *cum* Mavelikkara).

Nambiar, Shri K. Ananda (Mayuram).

Nanadas, Shri Mangalagiri (Ongole—Reserved—Sch. Castes).

Nanda, Shri Gulzarilal (Sabarkantha).

Narasimham, Shri S. V. L. (Guntur).

Narasimhan, Shri C. R. (Krishnagiri).

Naskar, Shri Purnendu Sekhar (Diamond Harbour—Reserved—Sch. Castes).

Natarajan, Shri S. S. (Srivilliputtur).

Natawadkar, Shri Jayantrao Ganpat (West Khandesh—Reserved—Sch. Tribes).

Natesan, Shri P. (Tiruvallur).

Nathani, Shri Hari Ram (Bhilwara).

Nathwani, Shri Narendra P. (Sorath).

Nayar, Shrimati Shakuntala (Gonda Distt.—West).

Nayar, Shri V. P. (Chirayinkil).

Nehru, Shri Jawaharlal (Allahabad Distt.—East *cum* Jaunpur Distt.—West).

Nehru, Shrimati Shivrajvati (Lucknow Distt.—Central).

Nehru, Shrimati Uma (Sitapur Distt. *cum* Kheri Distt.—West).

Nesamony, Shri A. (Nagercoil).

Neswi, Shri T. R. (Dharwar—South).

Nevatia, Shri R. P. (Shahjahanpur Distt. North *cum* Kheri—East).

Nijalingappa, Shri S. (Chitaldrug).

P

Palchoudhury, Shrimati Ila (Nabadwip).

Pande, Shri C. D. (Naini Tal Distt. *cum* Almora Distt.—South-West *cum* Bareilly Distt.—North).

P—*contd.*

Pandey, Dr. Natabar (Sambalpur).

Pannalal, Shri (Faizabad Distt.—North-West—Reserved—Sch. Castes).

Paragi Lal, Chaudhari (Sitapur Distt. *cum* Kheri Distt.—West—Reserved—Sch. Castes).

Paranjpe, Shri R. G. (Bhir).

Parekh, Dr. Jayantilal Narvaram (Zalawad).

Parikh, Shri Shantilal Girdharilal (Mehsana East).

Parmar, Shri Rupaji Bhavji (Panch Mahals *cum* Baroda East—Reserved—Sch. Tribes).

Pataskar, Shri Hari Vinayak (Jalgaon).

Patel, Shri Bahadurbhai Kunthabhai (Surat—Reserved—Sch. Tribes).

Patel, Shrimati Maniben Vallabhbhai (Kaira—South).

Patel, Shri Rajeshwar (Muzaffarpur *cum* Darbhanga).

Pateria, Shri Sushil Kumar (Jabalpur North).

Patil, Shri P. R. Kanavade (Ahmednagar North).

Patil, Shri S. K. (Bombay City—South).

Patil, Shri Shankargauda Veeranagauda (Belgaum South).

Patnaik, Shri Uma Charan (Ghumsur).

Pawar, Shri Vyankatrao Pirajirao (South Satara).

Pillai, Shri P. T. Thanu (Tirunelveli).

Pocker Saheb, Shri B. (Malapuram).

Prabhakar, Shri Naval (Outer Delhi—Reserved—Sch. Castes).

Punnoose, Shri P. T. (Alleppy).

R

Rachiah, Shri N. (Mysore—Reserved—Sch. Castes).

Radha Raman, Shri (Delhi City).

Raghavachari, Shri K. S. (Penukonda).

Raghavaiah, Shri Pisupati Venkatu (Ongole).

Raghubir Singh, Choudhary (Agra Distt.—East).

Raghunath Singh, Shri (Banaras Distt. Central).

Raghuramaiah, Shri Kotha (Tenali).

Ralji, Shrimati Jayashri (Bombay—Suburban).

Raj Bahadur, Shri (Jaipur-Sawai Madhopur).

Rajabhoj, Shri P. N. (Sholapur—Reserved—Sch. Castes).

Ramachander, Dr. D. (Vellore).

Ramasami, Shri M. D. (Arruppukkottai).

Ramaseshaiah, Shri N. (Parvathipuram).

Ramaswamy, Shri P. (Mahbubnagar—Reserved—Sch. Castes).

Ramaswamy, Shri S. V. (Salem).

Ram Dass, Shri (Hoshiarpur—Reserved—Sch. Castes).

Ram Nagina Singh, Shri (Ghazipur Distt.—East *cum* Ballia Distt.—South West).

Ramnarayan Singh, Babu (Hazaribagh West).

Ram Saran, Shri (Moradabad Distt.—West).

Ram Shankar Lal, Shri (Basti Distt.—Central-East *cum* Gorakhpur Distt.—West).

Ram Subhag Singh, Dr. (Shahabad South).

Ranbir Singh, Ch. (Rohtak).

Randaman Singh, Shri (Shahdol-Sidhi—Reserved—Sch. Tribes).

Rane, Shri Shivram Rango (Bhusaval).

Ranjit Singh, Shri (Sangrur).

R—*contd.*

Rao, Dr. Ch. V. Rama (Kakinada).

Rao, Shri B. Rajagopala (Srikakulam).

Rao, Shri B. Shiva (South Kanara—South).

Rao, Shri Kadyala Gopala (Gudivada).

Rao, Shri Kanety Mohana (Rajahmundry—Reserved—Sch. Castes).

Rao, Shri Kondru Subba (Eluru—Reserved—Sch. Castes).

Rao, Shri Pendyal Raghava (Warangal).

Rao, Shri P. Subba (Nowrangpur).

Rao, Shri Rayasam Seshagiri (Nandyal).

Rao, Shri T. B. Vittal (Khammam).

Raut, Shri Bhola (Saran *cum* Champaran—Reserved—Sch. Castes).

Ray, Shri Birakisor (Cuttack).

Razmi, Shri Said Ullah Khan (Sehore).

Reddi, Shri B. Ramachandra (Nellore)

Reddi, Shri C. Madhao (Adilabad).

Reddy, Shri Y. Eswara (Cuddapah).

Reddy, Shri Baddam Yella (Karimnagar).

Reddy, Shri K. Janardhan (Mahbubnagar).

Reddy, Shri Ravi Narayan (Nalgonda).

Reddy, Shri T. N. Vishwanatha (Chittoor).

Richardson, Bishop John (Nominated—Andaman and Nicobar Islands).

Rishang Keishing, Shri (Outer Manipur—Reserved—Sch. Tribes).

Roy, Dr. Satyaban (Uluberia).

Roy, Shri Bishwa Nath (Deoria Distt.—West).

Rup Narain, Shri (Mirzapur Distt. *cum* Banaras Distt.—West—Reserved—Sch. Castes).

S

Saha, Shri Meghnad (Calcutta North-West).

Sahai, Shri Raghubir (Etah Distt—North-East *cum* Budaun Distt.—East).

Sahaya, Shri Syamnandan (Muzaffarpur Central).

Sahu, Shri Bhagabat (Balasore).

Sahu, Shri Rameshwar (Muzaffarpur *cum* Darbhanga—Reserved—Sch. Castes).

Saigal, Sardar Amar Singh (Bilaspur).

Saksena, Shri Mohanlal (Lucknow Distt. *cum* Bara Banki Distt.).

Saksena, Shri Shibban Lal (Gorakhpur Distt.—North).

Samanta, Shri Satis Chandra (Tamluk).

Sanganna, Shri T. (Rayagada-Phulbani—Reserved—Sch. Tribes).

Sankarapandian, Shri M. (Sankaranayinarkovil).

Sarmah, Shri Debeswar (Golaghat-Jorhat).

Satish Chandra, Shri (Bareilly Distt. South).

Satyawadi, Dr. Virendra Kumar (Karnal—Reserved—Sch. Castes).

Sen, Shrimati Sushama (Bhagalpur South).

Sen, Shri Phani Gopal (Purnea Central).

Sen, Shri Raj Chandra (Kotah-Bundi)

Sewal, Shri A. R. (Chamba-Sirmur).

Shah, Her Highness Rajmata Kamalendu Mati (Garhwal Distt.—West *cum* Tehri Garhwal Distt. *cum* Bijnor Distt.—North).

Shah, Shri Chimanlal Chakubhai (Gohilwad-Sorath).

Shah, Shri Raichand Bhai N. (Chhindwara).

Sharma, Pandit Balkrishna (Kanpur Distt. South *cum* Btawah Distt.—East).

S—*Contd.*

Sharma, Pandit Krishna Chandra (Meerut Distt.—South).

Sharma, Shri Diwan Chand (Hoshiarpur).

Sharma, Shri Khushi Ram (Meerut Distt.—West).

Sharma, Shri Nand Lal (Sikar).

Sharma, Shri Radha Charan (Morena-Bhind).

Shastri, Pandit Algu Rai (Azamgarh Distt —East *cum* Ballia Distt.—West).

Shastri, Shri Bhagwandutt (Shahdol-Sidhi).

Shastri, Shri Raja Ram (Kanpur Distt.—Central).

Shastri, Swami Ramanand (Unnao Distt. *cum* Rae Bareli Disst.—West *cum* Hardoi Distt. —South East—Reserved —Sch. Castes).

Shivananjappa, Shri M. K. (Mandya).

Shobha Ram, Shri (Alwar).

Shriman Narayan, Shri (Wardha).

Shukla, Pandit Bhagwaticharan (Durg-Bastar).

Siddananjappa, Shri H. (Hassan Chikmagalur).

Singhal, Shri Shri Chand (Aligarh Distt.).

Sinha, Dr. Satyanarain (Saran East).

Sinha, Shri Anirudha (Darbhanga East).

Sinha, Shri Awadheshwar Prasad (Muzaffarpur East).

Sinha, Shri Banarsi Prasad (Monghyr Sadr *cum* Jamui).

Sinha, Shri Gajendra Prasad (Palamau *cum* Hazaribagh *cum* Ranchi).

Sinha, Shri Jhulan (Saran—North).

Sinha, Thakur Jugal Kishore (Muzaffarpur—North West).

Sinha, Shri Kailash Pati (Patna Central).

Sinha, Shri Nageshwar Prasad (Hazaribagh East).

Sinha, Shri S. (Pataliputra).

Sinha, Shri Satya Narayan (Samastipur—East).

Sinha, Shri Satyendra Narayan (Gaya—West).

Sinha, Shrimati Tarkeshwari (Patna—East).

Sinhasan Singh, Shri (Gorakhpur Distt.—South).

Siva, Dr. M. V. Gangadhara (Chittoor—Reserved—Sch. Castes).

Snatak, Shri Nardeo (Aligarh Distt—Reserved—Sch. Castes).

Sodhia, Shri Khub Chand (Sagar).

Sofi, Shri Mohd. Akbar (Jammu and Kashmir

Somana, Shri N. (Coorg).

Somani, Shri G. D. (Nagaur-Pali).

Subramanyam, Shri Kandala (Vizianagaram).

Subrahmanyam, Shri Tekur (Bellary).

Sunder Lall, Shri (Saharanpur Distt.—West *cum* Muzaffarnagar Distt.—North—Reserved—Sch. Castes).

Suresh Chandra Dr. (Aurangabad).

Suriya Prashad, Shri (Morena-Bhind—Reserved—Sch. Castes).

Swaminadhan, Shrimati Ammu (Dindigul.

Swami, Shri Sivamurthi (Kushtagi).

Syed Mahmud. Dr. (Champaran—East).

T

Talib Shri Piare Lal Kureel (Banda Distt. *cum* Fatehpur Distt. Reserved Sch. Castes).

Tandon. Shri Purushottamdas [Allahabad Distt.—(West)].

Tek Chand, Shri (Ambala-Simla).

Telkikar, Shri Shankar Rao (Nanded).

Tewari, Sardar Raj Bhanu Singh (Rewa).

Thimmaiah, Shri Dodda (Kolar—Reserved —Sch. Castes).

Thirani, Shri G. D. (Bargarh).

Thirukurlar, Shri V. Muniswamy Avl. (Tindivanam).

T—*contd.*

Thomas, Shri A. M. (Ernakulam).

Thomas, Shri A. V. (Srivaikuntam).

Tirtha, Swami Ramananda (Gulberga).

Tivary, Shri Venkatesh Narayan (Kanpur Distt.—North *cum* Farrukhabad Distt.—South).

Tiwari, Pandit B. L. (Nimar).

Tiwari, Shri Ram Sahai (Chhatarpur-Datia-Tikamgarh).

Tiwary, Pandit Dwarka Nath (Saran South).

Tribhuan Narayan Singh, Shri (Banaras Distt.—East).

Tripathi, Shri Hira Vallabh (Muzaffarnagar Distt.—South).

Tripathi, Shri Kamakhya Prasad (Darrang).

Tripathi, Shri Vishwambhar Dayal (Unnao Distt. *cum* Rae Bareli Distt.—West *cum* Hardoi Distt.—South-East).

Trivedi, Shri Umashankar Muljibhai (Chittor).

Tulsidas Kilachand, Shri (Mehsana West).

Tyagi, Shri Mahavir (Dehra Dun Distt. *cum* Bijnor Distt.—North-West *cum* Saharanpur Distt.—West).

U

Uikey, Shri M. G. (Mandla-Jabalpur—South—Reserved—Sch. Tribes).

Upadhyay, Pandit Munishwar Dutt (Pratapgarh Distt.—East).

Upadhyaya, Shri Shiva Datt (Satna).

Upadhyay, Shri Shiva Dyal (Banda Distt. *cum* Fatehpur Distt.

V

Vaishnav, Shri Hanamantrao Ganeshrao (Ambad).

Vaishya, Shri Muldas Bhuderdas (Ahmedabad—Reserved—Sch. Castes).

Vallatharas, Shri K. M. (Pudukkottai).

Varma, Shri B. (Champaran North).

Vearma, Shri Bulaqi Ram (Hardoi Distt.—North-West *cum* Farrukhabad Distt.—East *cum* Shahjahanpur Distt.—South—Reserved—Sch. Castes).

Veeraswamy, Shri V. (Mayuram—Reserved—Sch. Castes).

Velayudhan, Shri R. (Quilon *cum* Mavelikkara—Reserved—Sch. Castes).

Venkataraman, Shri R. (Tanjore).

Varma, Shri Manik Lal (Tonk)

Verma, Shri Ramji (Deoria Distt.—East).

Vidyalankar, Shri Amarnath (Jullundur).

Vishwanath Prasad, Shri (Azamgarh Distt. West—Reserved—Sch. Castes).

Vyas, Shri Radhelal (Ujjain).

W

Waghmare, Shri Narayan Rao (Parbhani).

Wilson, Shri J. N. (Mirzapur Distt. *cum* Banaras Distt.—West).

Wodeyar, Shri K. G. (Shimoga).

Z

Zaidi, Col. B. H. (Hardoi Distt.—North-West *cum* Farrukhabad Distt.—East *cum* Shahjahanpur Distt.—South).

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The Deputy-Speaker

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Shri Jethalal Harikrishna Joshi.
Shri Ramraj Jajware.
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Shri Goswamiraja Sahdeo Bharati.
Shri Narendra P. Nathwani.
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Shri Govind Hari Deshpande.
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Shri G. S. Altekar.
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Shri Satya Narayan Sinha.
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Shri Tulsidas Kilachand.
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Shri N. Somana.
Shri Bhupendra Nath Misra.
Shri N. D. Govindaswami Kachiroyar.
Shri Raj Chandra Sen.
Shri K. Ananda Nambiar.
Shri M. S. Gurupadaswamy.

Joint Committee on the Salaries and Allowances of Members of Parliament

Lok Sabha

Shri Satya Narayan Sinha. (*Chairman*)
Shri Bhagwat Jha 'Azad'.
Shri U. Srinivasa Malliah.
Shri Diwan Chand Sharma.
Shri Jagannath Kolay.
Shri Govind Hari Deshpande.
Shri Nemi Chandra Kasliwal.
Shri N. C. Chatterjee.
Shri P. T. Punnoose.
Shri Asoka Mehta.

Rajya Sabha

Begam Aizaz Rasul.
Shri H. C. Dasappa.
Shri D. Narayan.
Shri R. P. N. Sinha.
Shri H. C. Mathur.

Library Committee

Lok Sabha

Shri M. Ananthasayanam Ayyangar. (*Chairman*)
Shrimati Sucheta Kripalani.
Shri M. L. Dwivedi.
Shri Uma Charan Patnaik.
Shri M. D. Joshi.
Shri Hirendra Nath Mukerjee.

Rajya Sabha

Shri V. N. Tivary.
Shri V. K. Dhage.
Prof. R. D. Sinha Denkar.
Dr. Shrimati Seeta Parmanand.

Public Accounts Committee

Lok Sabha

Shri V. B. Gandhi. (*Chairman*)
Shri U. Srinivasa Malliah.
Shri Kamal Kumar Basu.
Shri V. V. Giri.
Shri Ramananda Das.
Shri Awadheswar Prasad Sinha.
Shrimati Ammu Swaminadhan.
Shri S. V. Ramaswamy.
Shri K. G. Deshmukh.
Shri Balwant Sinha Mehta.
Shri C. D. Pande.
Shri Diwan Chand Sharma.
Shri Y. Gadilingana Gowd.
Shri Uma Charan Patnaik.
Shri V. Boovaraghasamy.
Dr. Indubhai B. Amin.

Rajya Sabha

Shrimati Violet Alva.
Diwan Chaman Lall.
Shri Ram Parshad Tamta.
Shri P. S. Rajagopal Naidu.
Shri Mohammad Valiulla.
Shri V. K. Dhage.
Shri B. C. Ghose.

Rules moCmittee

Shri G. V. Mavalankar. (*Chairman*)
Shri M. Ananthasayanam Ayyangar.
Pandit Thakur Das Bhargava.
Shri Satya Narayan Sinha.
Shri N. Keshavaiengar.
Shri Shivram Rango Rane.
Shri Ghamandi Lal Bansal.
Shri Khushi Ram Sharma.
Shri Kotha Raghuramaiah.
Shri Satis Chandra Samanta.
Dr. N. M. Jaisoorya.
Shri N. C. Chatterjee.
Shri Bhawani Singh.
Shri Kamal Kumar Basu.
Shri K. S. Raghavachari.

GOVERNMENT OF INDIA

Member of the Cabinet

Prime Minister and Minister of External Affairs and also in charge of the Department of Atomic Energy—Shri Jawaharlal Nehru.

Minister of Education and Natural Resources and Scientific Research—Maulana Abul Kalam Azad.

Minister of Home Affairs—Pandit Govind Ballabh Pant.

Minister of Communications—Shri Jagjivan Ram.

Minister of Health—Rajkumari Amrit Kaur.

Minister of Finance—Shri C. D. Deshmukh.

Minister of Planning and Irrigation and Power—Shri Gulzarilal Nanda.

Minister of Defence—Dr. Kailas Nath Katju.

Minister of Commerce and Industry & Iron and Steel—Shri T. T. Krishnamachari.

Minister of Law and Minority Affairs—Shri C. C. Biswas.

Minister of Railways and Transport—Shri Lal Bahadur Shastri.

Minister of Works, Housing and Supply—Sardar Swaran Singh.

Minister of Production—Shri K. C. Reddy.

Minister of Food and Agriculture—Shri Ajit Prasad Jain.

Minister of Labour—Shri Khandubhai Desai.

Minister of Cabinet Rank (but not member of the Cabinet)

Minister of Parliamentary Affairs—Shri Satya Narayan Sinha.

Minister of Defence Organisation—Shri Mahavir Tyagi.

Minister of Information and Broadcasting—Dr. B. V. Keskar.

Minister of Commerce—Shri D. P. Karmarkar.

Minister of Agriculture—Dr. Panjabrao S. Deshmukh.

Minister in the Ministry of External Affairs—Dr. Syed Mahmud.

Minister in the Ministry of Law—Shri Hari Vinayak Pataskar.

Minister of Natural Resources—Shri K. D. Malaviya.

Minister of Revenue and Civil Expenditure—Shri M. C. Shah.

Minister of Revenue and Defence Expenditure—Shri Arun Chandra Guha.

Minister of Rehabilitation—Shri Mehr Chand Khanna.

Deputy Ministers

Deputy Minister of Communications—Shri Raj Bahadur.

Deputy Minister of Defence—Sardar S. S. Majithia.

Deputy Minister of Home Affairs—Shri B. N. Datar.

Deputy Minister of Labour—Shri Abid Ali.

Deputy Minister of Rehabilitation—Shri J. K. Bhonsle.

Deputy Minister of Railways and Transport—Shri O. V. Alagesan.

Deputy Minister of Health—Shrimati M. Chandrasekhar.

Deputy Minister of External Affairs—Shri Anil Kumar Chanda.

Deputy Minister of Food and Agriculture—Shri M. V. Krishnappa.

Deputy Minister of Irrigation and Power—Shri Jaisukhlal Hathi.

Deputy Minister of Production—Shri Satish Chandra.

Deputy Minister of Planning—Shri Shyam Nandan Mishra.

Deputy Minister of Commerce and Industry—Shri Nityanand Kanungo.

Deputy Minister of Education—Dr. K. L. Shrimali.

Parliamentary Secretaries

Parliamentary Secretary to the Minister of External Affairs—Shrimati Lakshmi N. Menon.

Parliamentary Secretary to the Minister of Railways and Transport—Shri Shahnawaz Khan.

Parliamentary Secretary to the Minister of External Affairs—Shri Jogendra Nath Hazarika.

Parliamentary Secretary to the Minister of Finance—Shri B. R. Bhagat.

Parliamentary Secretary to the Minister of Production—Shri Rajaram Girdharlal Dubey.

Parliamentary Secretary to the Minister of External Affairs—Shri Sadath Ali Khan.

Parliamentary Secretary to the Minister of Information and Broadcasting—Shri G. Rajagopalan.

Parliamentary Secretary to the Minister of Education—Dr. Mono Mohan Das.

LOK SABHA DEBATES
(Part I—Questions and Answers)

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LOK SABHA

Monday, 25th July, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER (SHRI G. V. MAVALANKAR) *in the Chair.*]

MEMBER SWORN

Shrimati Anusayabai Bhaorao Borkar (Bhandara—Reserved—Sch. Castes).

ORAL ANSWERS TO QUESTIONS

नदी घाटी योजनाएँ

*१. **श्री एम० एल० द्विवेदी** : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि क्या सरकार ने यह सुनिश्चित करने के लिए कोई आदेश जारी किये हैं कि द्वितीय पंचवर्षीय योजना में प्रारम्भ की जाने वाली नदी घाटी योजनाओं के प्राक्कलन बिल्कुल ठीक-ठीक तैयार किये जायं और उनका दृढ़ता के साथ पालन किया जाय ?

सिंचाई और विद्युत उपमंत्री (श्री हाथी) : विवरण सदन की मेज पर रख दिया गया है [**देखिय परिशिष्ट १, अनुबन्ध सं० १**]

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूं कि जो इंस्ट्रक्शन्स दी गयी थीं व क्या हैं ?

श्री हाथी : जो सूचना दी गयी थी वह यही थी कि जब अन्दाज वगैरह बनाये जायं तो सभी बातों का खूब परीक्षण होना चाहिए।

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूं कि प्रथम पंचवर्षीय योजना में जो अनुमान बनाये गये थे वह कितनी मर्तबा बदले गये ? उनकी रकम बहुत ज्यादा बढ़ गयी थीं। क्या इस बात से सबक लेकर आगे जो अनुमान बनाये जायेंगे वह अच्छे होंगे और उनके बारे में यह ख्याल रखा जायगा कि वे सही हों ?

श्री हाथी : इसी बात का ख्याल रखते हुए सूचना भेजी गई थी कि जब एस्टीमेट्स बनायें जायं, प्रौजेक्ट्स के लिए, तो यह देख लिया जाय कि हाइड्रालाजी वगैरह सब ठीक है। कैनाल्स के बारे में खूब परीक्षा करनी चाहिए और जमीन आदि के बारे में सब बातें सोचकर ही एस्टीमेट्स बनाये जान चाहिएं।

Shri L. N. Mishra : May I know whether the hon. Minister can give a rough idea of the river valley projects where the expenditure has been below the estimates and where it has exceeded the estimates?

Shri Hathi : In the present plan, of course, in several cases the cost has risen.

श्री एम० एल० द्विवेदी : विवरण पत्र जो सदन पटल पर रखा गया है उससे मालूम होता है कि सरकार ने एक विशेषज्ञ समिति नियुक्त की है जो कि इन तमाम मामलों पर विचार करेगी। मैं जानना चाहता हूं कि इसके सदस्य कौन-कौन से हैं ?

श्री हाथी : सैंट्रल वाटर पावर कमीशन के चेयरमैन इसके सदस्य हैं और कुछ बाहर के भी इंजीनियर हैं। कुछ इलैक्ट्रिकल और इरीगेशन इंजिनियर्स हैं जो गवर्नमेंट की सर्विस में नहीं हैं। सब मिलाकर लगभग १२ मेम्बर हैं।

Shri Kamath : During the First Five Year Plan period, in the execution of these river valley projects, what has been the maximum percentage of deviation from the original estimate, and the minimum?

Shri Hathi : That question could not be replied to generally. Costs have risen because of the scope of the project having been enlarged in several cases. In each project the estimate may have risen because of various circumstances. It may be that in certain cases the scope of the Project has been enlarged. In certain cases it may be because of the rise in the cost of the materials. Of course those estimates have risen, but I cannot give a general reply.

Sewing Machine Parts

*2. **Shri Barman** : Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table of the House showing :

(a) the names of the parts of sewing machines that are manufactured by cottage industries; and

(b) what incentive Government have given to such cottage industries?

The Deputy Minister of Commerce and Industry (Shri Kanungo) : (a) and (b). A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 2].

Shri Barman : May I know the number of workers that have found employment as a result of this cottage industry?

Shri Kanungo : The number of the workers is reported as 5,035. But that excludes certain small establishments which are not registered.

Shri Barman : Certain parts are being imported at present. May I know whether Government has taken any steps to produce those parts inside the country, and also what is the proportion and value of these imported parts in relation to the price of the whole machine?

Shri Kanungo : Only eleven parts out of 106 are imported, and efforts are being made to encourage their manufacture in the country. The total value of the parts as such of these eleven items, I am unable to give reply today.

सेठ अचल सिंह : क्या मंत्री महोदय को मालूम है कि सिलाई की मशीनें लुधियाने में काफी तादाद में बनाई जा रही हैं ? उनको स्टेंड किअ करने के बारे में गवर्नमेंट क्या सो रही है ?

श्री कानूनगो : लुधियाने में बनती हैं और दूसरी जगहों में बनती हैं । लुधियाने में उनकी तरक्की करने के लिये रुपया मंजूर किया गया है और पंजाब गवर्नमेंट हीट ट्रीटमेंट के लिए एक यूनिट भी बना रही है ।

Sardar Hukam Singh : Is it a fact that some time ago a representation was received from the Ludhiana manufacturers that import licences for the parts that are not produced here are given to those that have nothing to do with the manufacturing but to others and the actual manufacturers of other parts are denied those import licences ?

Shri Kanungo : There were some representations to that effect, and on the previous occasions there might have been some difficulty about it. But at present the parts are allowed to be imported by the actual users.

Inter-State Seminars

*3. **Shri Raghavaiah** : Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that the Community Projects Administration proposes to conduct 6 Inter-State Seminars in the various parts of the country;

(b) the date of and place where these Seminars are porposed to be held;

(c) the names of the States that will participate in these Seminars; and

(d) whether the representatives of different political parties, trade unions and peasant organisations will also be invited to participate in these Seminars?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) and (b). Community Projects Administration have organised eleven Inter-State Seminars in different parts of India in the last two years. This year's programme for conducting similar Seminars is being formulated.

(c) The grouping of the States for participation in the proposed Regional Seminars will be decided after the venues and dates of various Seminars have been finalised?

(d) No. In addition to the representatives of Central and State Governments, Ford Foundation and Technical Co-operation Mission, the non-official members of the Project Advisory Committees etc. are also invited to these Seminars.

Shri Raghavaiah : What is the object in holding the Seminars, and what the subjects discussed at these Seminars?

Shri S. N. Mishra: The main object of these Seminars is to get together all the key personnel employed in the community development programme for an exchange of views and a sart of reorientation and service training.

Shri Raghavaiah : May I know whether Government propose to supply a copy of the gist of these Seminars after they are concluded and make the same available to all the Members of this House?

Shri S. N. Mishra : I think the hon. Member suggests that placing the report of these Seminars should be placed on the Table. That may be considered.

Shri Raghavaiah : Will not the efficiency of the execution of these community projects be increased if non-official Members representing different political parties and organisations are also summoned to take part in these Seminars?

Mr. Speaker : I think it is a question of opinion.

Shri Kamath : Do the non-official members of the Project Advisory Committees, to which the Minister referred, include members of the categories mentioned in part (b) of the question?

Shri S. N. Mishra: I think on the Project Advisory Committees all members are irrespective of their party affiliations.

Shri Kamath : My question was different ; it was whether those members includes these categories or not.

Shri S. N. Mishra : I think most of them must be belonging to the diffierent political parties.

Shri Kamath : Must be. It is actually so?

Plant to Machinery

*4. **Shri Punnoose :** Will the Minister of **Irrigation and Power** be pleased to state :

(a) the value of surplus plant and the machinery at present with the various River Valley Projects, being executed by the Central Government;

(b) who was responsible for the purchase of these surplus stores; and

(c) the action taken to prevent recurrence of such instances?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) to (c). Information is being collected and will be laid on the Table of the House in due course.

Shri Punnoose : Has it come to the notice of Government that news items have been appearing in the papers as to these surplus quantities of materials?

The Minister of Planning and Irrigation and Power (Shri Nanda) : The news items relate to the question of the rate of sickness of machinery; and I had occasion to issue a statement on that subject, explaining the fact that the reports related to a very much earlier period, and since then a great deal of improvement has occurred in this respect.

Shri Punnoose : Is it a fact that in certain projects there is surplus material while work is being held up in certain other projects because there is lack of material?

Shri Nanda : Sickness of machinery is one thing; surplus plant is another thing. Regarding surplus plant, after the report of the Machinery Committee and a meeting of the Co-ordination Board of Ministers, a procedure has now been evolved that a list of the spare plant in one project is circulated to all other projects and their requirements are dealt with in the light of the surpluses anywhere else.

Shri Kamath : Which project is the biggest culprit in this respect?

पंडित डी० एन० तिवारी : क्या मंत्री महोदय को इस बात का आइडिया है कि कितने पार्ट्स रस्ट लग जाने से बेकार हो गये ?

श्री नन्दा: रस्ट लग जाने से कहीं कहीं कुछ नुक्सान हुआ होगा लेकिन यह बतलाना कि कितनों को जंग लगा है और नुक़सान हुआ है, इसकी इनफ़ार्मेशन मेरे पास नहीं है।

पंडित डी० एन० तिवारी : आप जो इनफ़ार्मेशन टेबुल पर ले डाउन करेंगे, उसमें इसको इनक्लूड कर लेंगे ?

Fertilizers Production Committee

*6. **Shri Nanadas :** Will the Minister of **Production** be pleased to refer to the reply given to Starred Question No. 821 on the 12th March, 1955 and state:

(a) whether the Fertilizer Production Committee have since submitted their final report;

(b) whether the opening of a fertiliser factory in South India has been recommended;

(c) if so, which site has been selected;

(d) the reasons for selecting that site; and

(e) whether the proposed factory will manufacture nitrogenous phosphatic fertilizer?

The Minister of Production (Shri K. C. Reddy): (a) Yes.

(b) Copies of the Committee's final report (excluding Appendices) have been placed in the Library of Parliament and the information sought is available therein.

(c) The Government have not yet taken a decision in the matter.

(d) Does not arise.

(e) The recommendations of the Committee are in respect of production of Nitrogenous Fertilizers only.

Shri Nanadas : May I know the States visited by this Committee?

Shri K. C. Reddy : They visited a number of States, about 7 or 8 or even more. If the hon. Member wants to have a list of the States which have been visited by this Committee, I will be glad to make the information available later on.

Shri Nanadas: May I know whether it is a fact that the Deputy Minister of Food has expressed his opinion to start this fertilizer factory at Bezwada?

Shri K. C. Reddy: I am not aware what exactly has been the opinion expressed by the Deputy Minister of Food, what is the language he used, and what reservations has made in the course of his statement. He seems however, to, have expressed the opinion that there are good chances of a fertilizer factory being located somewhere in Andhra.

Shri B. S. Murthy: May I know whether the committee has expressed unanimously in favour of any one town in the south and is if so, what is the name of the town?

Shri K. C. Reddy: I would like to invite the attention of the hon. Member to the report of the Fertiliser Committee which has been placed in the Library of Parliament. To answer specifically the question, it is true that the Fertiliser Committee have recommended Neiveli as the best site for the location of a fertiliser factory in the South.

River Research Stations

*7. **Shri D. C. Sharma :** Will the Minister of **Irrigation and Power** be pleased to state:

(a) the number of River Research Stations established so far in the country for the study of the rainfall data; and

(b) the number of such stations to be established in the near future?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No Research Station has been established in India exclusively for the *study* of pain fall data. At Present there are 11 Research Stations which conduct research on a variety of irrigation problems, including those related to rainfall, in connection with water development projects.

(b) Proposals for the establishment of a River Research in Station Assam are being formulated by the State Government.

Shri D. C. Sharma May I know if is contemplated to set up River Research Stations in other States of India also besides Assam?

Shri Hathi : Some are under consideration.

Shri D. C. Sharma : May I know if it has not been pointed out that these River Research Stations are necessary for the prevention of floods in the country?

Shri Hathi : In fact, that is the reason why some more research stations are considered for establish

Shri Meghnad Saha : May I know if there is not some confusion in the question between River Research Station and stations for the study of rainfall data?

Shri Hathi : That is exactly what I have said in my reply. There are no stations exclusively for the collection of rainfall data. There might be a River Research station in a place which might incidentally also do collection of rainfall data.

Shri Meghnad Saha : May I point out to the Minister that the Meteorological department has got a number of rain gauges?

Shri Hathi : That is right. There are 111 such stations. There are several such stations in the Himalayan region, about 76. Others 160 are being contemplated for the collection of rainfall data

सीमाप्रदेशीय घटना

*८. **डा० सत्यवादी** : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि ७ मई, १९५५ को जम्मू तथा काश्मीर राज्य में नकोवाल गांव के समीप पाकिस्तानी पुलिस के हमले में बारह भारतीय सैनिक तथा कुछ अन्य व्यक्ति मारे गय;

(ख) क्या संयुक्त राष्ट्र पर्यवेक्षक दल न इस घटना की कोई जांच की है;

(ग) यदि हां, तो जांच का क्या परिणाम है;

(घ) सरकार ने इस विषय में क्या कार्यवाही की है; और

(ङ) भविष्य में ऐसी घटनाओं की रोकथाम के लिए सरकार क्या कार्यवाही करने का विचार करती है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू): (क) जी हां। संयुक्त राष्ट्र पर्यवेक्षक दल (U. N. Observers' Team) के मुख्य सैनिक प्रेक्षक ने इस काण्ड को पाकिस्तान द्वारा सीमा उल्लंघन किया जाना घोषित किया है ।

(घ) तथा (ङ). भारत सरकार ने पाकिस्तानी सीमा पुलिस द्वारा इस बेजा हमले के लिये एक ज़ोरदार विरोध-पत्र भेजा है । पाकिस्तान सरकार से कहा गया है कि वह इस गम्भीर काण्ड के लिये जिम्मेदार उन व्यक्तियों को सज़ा देने के लिये जल्दी कदम उठाये और भारत सरकार और उसके नागरिकों पर किये गये नैतिक और भौतिक अपराध के बदले में उसकी हानि-पूर्ति के रूप में शीघ्र मुनासिब मुआविजे दे ।

पाकिस्तान सरकार को ऐसी घटनाओं को रोकनें के लिये सभी जरूरी कदम उठाने के लिये कहा गया है । भारत सरकार ने इस मामले में मुनासिब कार्यवाही कर ली है।

डा० सत्यवादी : जो ज़िम्मेदारी यू० एन० आबज़र्वर्स ने इस हादसे के सिलसिले में पाकिस्तान पर डाली है, क्या पाकिस्तान सरकार का रद्देअमल उस पर कुछ मालूम हुआ ?

श्री जवाहरलाल नेहरू : जी हां, यू० एन० आबज़र्वर्स ने यह फैसला किया था कि पाकिस्तान की सीमा की बार्डर पुलिस जो है वह इसके लिए ज़िम्मेदार है ।

श्री राधा रमण : क्या मैं जान सकता हूं कि पिछले दिनों जब पाकिस्तान के प्राइम मिनिस्टर यहां हिन्दुस्तान में आए थे, तो हमारे प्राइम मिनिस्टर और उनके बीच में इस सम्बन्ध में कोई बातचीत हुई थी और अगर हुई थी तो वह किस तरह की थी ?

श्री जवाहरलाल नेहरू : आप को शायद याद हो कि जिस रोज़ वह आए थे उसी रोज़ उनकी तरफ से एक बयान यहां अखबारों में निकला था और उसमें इस हादसे पर अफसोस ज़ाहिर किया गया था और कहा गया था कि जांच के बाद जो अपराधी करार दिया जायगा उसको सज़ा दी जायगी, तो फिर जांच का इन्तज़ार था ।

श्री बोगावत : मैं प्राइम मिनिस्टर साहब से यह जानना चाहता हूं कि इसके बारे मे पाकिस्तान गवर्नमेंट ने कोई मुआविज़ा देना मंजूर किया है, ऐसा उन्होंने क्या हमें सूचित किया है और यदि हां तो मैं जानना चाहता हूं कि वह मुआविज़ा कितना होगा ?

श्री जवाहरलाल नेहरू: अभी इस बारे म खतोकिताबत हो रही है ।

डा० राम सुभग सिंह : भारत सरकार के विरोध पत्र तथा भारत सरकार की इस मांग के सम्बन्ध में कि ऐसी बेजा हरकत करने वालों को पाकिस्तान सरकार उचित दंड दे, पाकिस्तान सरकार की ओर से क्या जवाब मिला है ?

श्री जवाहरलाल नेहरू: मैंने अभी अर्ज़ किया कि इस बारे में कुछ ख़त एक दूसरे को भेजे जा रहे हैं ।

विस्थापित हरिजन व्यक्ति

*९ **श्री बाल्मीकी** : क्या **पुनर्वास** मंत्री बताने की कृपा करेंगे कि :

(क) दिल्ली तथा दिल्ली के उपनगरों में विस्थापित हरिजनों को कितने मकान दिये गये हैं; और

(ख) क्या अब तक सारे विस्थापित हरिजनों को बसाया जा चुका है ?

पुनर्वास उपमंत्री (श्री जे० के० भोंसले): (क) विस्थापित हरिजनों को सरकार द्वारा बनाये हुए १३२६ टेनेमैन्ट्स प्लाटों के अतिरिक्त कुछ निष्क्राम्य मकान टैनेमैन्ट्स दिये गये हैं जिनकी निश्चित संख्या मालूम नहीं है ।

(ख) बिना उचित परिमापन के, यह नहीं कहा जा सकता कि दिल्ली तथा दिल्ली के उपनगरों के सब विस्थापित हरिजनों को बसाया जा चुका है ।

श्री बाल्मीकी : दिल्ली तथा दिल्ली के उपनगरों में अब तक कितने हरिजनों को बसाया गया है और कितने ऐसे हैं जो अभी तक नहीं बसाये जा सके हैं ?

श्री जे० के० भोंसले : अब तक ४४९४ हरिजन फैम्लीज़ को बसाया गया है और क़रीबन १३०५ फैम्लीज़ ऐसी हैं जिनको मकानों में बसाने के बारे में सरकार ख़याल कर रही है ।

श्री बाल्मीकी : मैं सरकार की मंशा जानना चाहता हूं कि इन ग़रीब हरिजनों को क्या उसी मंशा से बसाया गया है जिससे कि दूसरे अपर क्लास के विस्थापितों को बसाया गया है ?

श्री जे० के० भोंसले : हरिजन विस्थापितों और बाक़ी रेफ्यूजीज़ के बीच में कोई फ़र्क नहीं है ।

श्री पी० एल० बाफ्पाल : क्या मैं जान सकता हूं कि राजस्थान के कितने विस्थापित हरिजन बसाये गये हैं और कितने बसाने बाकी हैं जो कि गंगानगर में स्थित हैं ?

श्री जे० के० भोंसले : यह सवाल अगर अलग पूछा जायेगा तो उसका उत्तर दिया जायेगा ।

Some Hon. Members *rose*—

Abducted Women

*10. **Shri S. N. Das** : Will the **Prime Minister** be pleased to state:

(a) whether the machinery set up in India and Pakistan for the recovery of abducted girls has been intensified recently to ensure quick results; and

(b) the number of abducted women recovered so far during the year 1955 from the two countries?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) There has been no change in recent months in the machinery set up by India and Pakistan for the recovery of abducted persons. Efforts have, however, been made in India for speedy investigation and disposal of cases of abduction reported by Pakistan.

(b) The number of abducted persons recovered in India and Pakistan during the year 1955 upto the 30th June, 1955 is 640 and 201. respectively.

Shri S. N. Das: Of the total number of abducted women recovered during this period, may I know how many have been sent to their respective guardians and how many still remain in the camps ?

Shri Sadath Ali Khan : One hundred and eighty-nine persons were restored to their relatives in India or released in India as they were either unwilling to be reunited with their relations in Pakistan or for some other reason.

Shri S. N. Das: May I know whether any time-limit has been fixed by which it is expected to complete this work and disband the organisation ?

Shri Sadath Ali Khan : Every effort is being made to expedite the work. There is a fact-finding commission whose report will be submitted soon and, we hope that things would be speeded up.

Shrimati Jayashri : May I know whether the attention of the authorities has been drawn to a resolution recently passed at one of the branches of the All India Women's Conference in the Punjab, which was presided over by Shrimati Lakshmi Menon ? Shall I read out the resolution? It is a small one.

Mr. Speaker: She may state the substance instead of reading put the whole resolution. What is the point in her asking?

Shrimati Jayashri: The resolution states that the present arrangements are not very satisfactory and they request that arrangements be made by voluntary agencies of social workers on both sides; and they say: "In view of the consensus of opinion of women of Pakistan and India, this conference feels that goodwill missions on this subject should be exchanged between the two countries."

Shri Sadath Ali Khan: All these matters will be taken up for consideration

Shri U. M. Trivedi: May I know how many of these abductecd persons have been sent to those guardians who were unwilling to accept them?

Shri Sadath Ali Khan: As I have said, the fact-finding commission is there. They are preparing a report.

खादी वाणिज्य-कक्ष (एम्पोरिया)

*११. **श्री नवल प्रभाकर :** क्या उत्पादन मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली तथा बम्बई में वाणिज्य कक्षों की स्थापना पर अखिल भारतीय खादी तथा ग्रामोद्योग बोर्ड द्वारा कितना व्यय किया गया है; और

(ख) इनमें से प्रत्येक वाणिज्य कक्ष में नियुक्त कर्मचारियों की संख्या क्या है ?

उत्पादन उपमंत्री (श्री सतीश चन्द्र) : (क) सूचना एकत्रित की जा रही है, और शीघ्र ही सभा की टेबल पर रखी जायेगी।

(ख) दिल्ली . . . ५१
बम्बई . . . १०५

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि इस तरह के एम्पोरियम और किन किन नगरों में स्थापित किये जायेंगे ?

श्री सतीश चन्द्र : अखिल भारतीय खादी और ग्रामोद्योग संघ एक बड़ा एम्पोरियम कलकत्ते में खोलने का विचार कर रहा है। कुछ छोटे एम्पोरियम भी शिमला, रीवां आदि स्थानों में खोले हैं।

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि जो कर्मचारी इस में रखे गये हैं उन को खादी का कुछ अनुभव है या क्या वह गांधी आश्रमों तथा खादी भंडारों में काम कर चुके हैं ?

Mr. Speaker: I think it is going too much into details. I believe it is a matter left to the Khadi Board.

श्री भक्त दर्शन : क्या गवर्नमेंट को इस बात की सूचना मिली है कि इस तरह की सरकारी दूकानें खुल जाने के बाद जो श्री गांधी आश्रम सरीखी बिल्कुल ग़ैर-सरकारी संस्थायें हैं उन को बिक्री को बड़ा धक्का लग रहा है; क्या इस के बारे में गवर्नमेन्ट ने कोई विचार किया है ?

श्री सतीश चन्द्र : मुझ तो ऐसा मालूम नहीं हुआ, कुछ दिन हुए मैं गांधी आश्रम गया था, उन्होंने कहा कि उन की बिक्री में कोई फर्क नहीं हुआ है।

Shrimati A. Kale *rose—*

Indian Listener

***12. Shri Dabhi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that a heavy loss is incurred in the production and sale of the *Indian Listener*; and

(b) if so, the steps Government propose to take to reduce the loss?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The journal is incurring some losses but these are being gradually reduced; the loss of Rs. 2,61,000 in 1949-50 has been reduced to Rs. 71,00 (un-audited) for the year 1954-55.

(b) The following steps have been taken to reduce the losses :—

(i) The administrative control has been transferred to the Publications Division with a view to improving its get-up and circulation as that Division is a specialised department for such a job; and

(ii) to increase the advertisement revenue through the Space Selling Unit which has been set up under the Advertising Consultant to Government of India.

Shri Dabhi : May I know the total loss incurred in 1954-55?

Dr. Keskar : Rs. 71,000.

Shri Dabhi : May I know the number of copies printed and the apporoxinate number sold ?

Dr. Keskar : It would be difficult for me to give the number of copies which are not sold. The circulation is about 8,000.

Shri B. S. Murthy : May I know whether the number of copies printed and the number of copies demanded are equal so as to minimise the loss?

Press Commission's Report

*13. **Shri Gidwani :** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the attention of Government has been drawn to the Resolution passed by the Executive Committee of the Bombay Union of Journalists over the delay in implementing the recommendations of the Press Commission particularly in regard to the service conditions of the working Journalists; and

(b) if so, when the recommendations will be implemented ?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) Yes.

(b) Legislation extending to working journalists the provisions of the Industrial Disputes Act has been passed by Parliament during the last session. Legislation covering service conditions is at present under active consideration.

Shri Gidwani: May I know whether the Minister has given and an assurance in the Rajya Sabha on May 3, 1955 promising to take the decision as quickly as possible? If so, what are the reasons for not implementing the decision?

Dr. Keskar: I did not give any assurance, but I tole Members that we would try to expedite this matter as much as possible, and that assurance stands. I hope that decision will be taken very soon regarding this.

Shri Gidwani: Has it come to the notice of Government that some newspaper proprietors have started victimising trade union workers among journalists? If so, have Government taken any steps to prevent their victimisation?

Dr. Keskar: This has been brought to my notice, and I am in active consultation with the representatives of the working journalists regarding this matter.

Shri Jaipal Singh: Could we have any indication as to how much longer Government will take to bring into existence at least the Press Council if they cannot implement the other recommendations of the Press Commission Report?

Dr. Keskar: The hon. Member, I think, gives priority to a particular recommendation of the Commission which he likes, but the question as to which recommendation should be given priority and what we consider to be the most important we are going to take up immediately, and I hope that some legislation might be introduced during the current session also.

Shri H. N. Mukerjee: There was a press report some months ago that the Prime Minister had given an assurance to pressmen that a great majority of the recommendations of the Press Commission would be implemented. May I ask Government if any progress has been made in that regard in so far as the great majority of the recommendations are concerned?

Dr. Keskar: As far as the Prime Minister's statement is concerned, it is true that Government is inclined to accept the majority of the recommendations in principle, but as to how they will be implemented, the details have to be thrashed out and they are being at present very actively considered.

Rural Electrification

*14. **Shri S. C. Samanta:** Will the Minister of **Irrigation and Power** be pleased to state;

(a) the loan assistance, if any, given to the West Bengal Government for the rural electrification; and

(b) how much amount is proposed to be given during the remaining period of the First Five Year Plan?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Rs. 25 lakhs.

(b) To the extent of Rs. 133·33 lakhs.

Shri S. C. Samanta: May I know whether the assistance of loan that is given to State Governments is given through the State Electricity Boards, and whether any State has been debarred from availing of the loan for not establishing State Board?

Shri Hathi: No State is debarred for not having established State Electricity Boards.

Shri S. C. Samanta: May I know whether any conditions are put when loan is given to the State Electricity Boards?

Shri Hathi: No such condition is imposed.

Shri Heda: May I Know whether any such loans for rural electrification are given to the other State Governments, and if so, what the names of those States are?

Shri Hathi: It is given to almost all States. If the hon. Member wants the names, I can give them; they are Andhra, Assam, Bihar, Bombay, Coorg, Hyderabad, Madhya Pradesh, Madras, Orissa, Punjab and Rajasthan etc. Almost all the States have been given loans. The total amount is Rs.20 crores.

Shri Bogawat: May I know whether there is any promise by the FAO to give assistance to the States for rural electrification under the First Five Year Plan as well as the Second Five Year Plan?

The Minister of Agriculture (Dr. P. S. Deshmukh): No.

Nandi Konda Project

*15. **Shri C. R. Chowdary:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the work on the Nandi Konda Project has commenced;

(b) whether any funds have been allotted for the current financial year for this purpose; and

(c) the pattern of the organisation that has been decided upon to control and execute the Project?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Work on the main project has not yet commenced, but preliminaries are in hand.

(b) A provision of Rs. 1 crore has been made in the Central Budget towards loan assistance to the participating State Governments of Andhra and Hyderabad against estimated expenditure on the project.

(c) The Nandikonda Control Board has been set up *vide* Government of India, Ministry of Irrigation and Power Resolution No. DW-IV 15 (1)/55 dated the 17th June, 1955.

Shri C. R. Chowdary: May I know the cause for a delay in commencing work on this project?

Shri Hathi: There was no delay. It was only recently decided that it should be included in the First Five Year Plan.

Shri C. R. Chowdary: May I know whether the necessary sanction and dirxctive have been given by the Central Government to the State Governments to commence work on this project?

Shri Hathi: They have started, as I said only the preliminaty works on the project?

Shri H. N. Mukerjee: May I know whether the Nagarjunakonda ruins have begun to be washed away, or there are any steps being taken to save the ruins, if that is possible?

Shri Hathi: If the hon. Members means that it is because of the construction, then I would say, as I have just stated, that only the preliminary works such as building of roads and other things have been started.

Tubes for Vehicles

*17. **Shri Bishwa Nath Roy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any factory in the country for manufacturing tubes for vehicles of various kinds; and

(b) whether any proposal is under consideration for starting a new factory for manufacturing tubes for bicycles, aircrafts and automobiles?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) Yes, Sir. There are five factories.

(b) It is understood that some private firms have some proposals to manufacture tubes for all kinds of vehicles.

Shri Bishwa Nath Roy : May I know whether the capital to be invested in the new factory will be by Indians ?

Shri Kanungo : The new proposals are from Indian parties.

Pandit D. N. Tiwary : In anwser to part (a) of the question, the hon. Minister stated that there are five factories. May I know whether all those factories are Indian-owned or foreign-owned, and whether Government have any share in them or not ?

Shri Kanungo : Government have no share in any of them. One of them is purely foreign, and another is partly foreign.

Shri Bishwa Nath Roy : May I know the place where the new factory will be installed ?

Shri Kanungo : The place has not been decided yet because the proposals have not come in the proper form.

Shri Punnoose : May I know where the new factory is proposed to be opened ?

Mr. Speaker : That was just answered.

Shri Kanungo: The proposals have not come to Government in the proper form.

Refractory Brick Factory

*18. **Shri Raghunath Singh** : Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that Germans are installing a refractory brick factory in India ?

The Deputy Minister of Commerce and Industry (Shri Kanungo): An Indian firm has been given a licence to expand its production capacity for refractories in collaboration with a German firm.

श्री रघुनाथ सिंह : यह फैक्ट्री कहां पर इंस्टाल की जायेगी ?

श्री कानूनगो : राजगंगपुर, उड़ीसा में ।

पंडित डी० एन० तिवारी : यह ईंट देसी ईंट के मुकाबले में कैसी होगी, मजबूत होगी, कमजोर होगी, बड़ी होगी या कैसी होगी ?

श्री कानूनगो : नई नई चीजें वहां बनवायेंगे ।

Barapole Hydro-Electric Scheme

*19. **Shri A. K. Gopalan** : Will the Minister of **Planning** be pleased to refer to the reply given to Starred Question No. 2640 on the 27th April, 1955 and state :

(a) the present position with regard to the Barapole Hydro-electric Scheme ; and

(b) when the work on this Project is likely to commence ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) This project is still under consideration.

The question of taking up work on this project will arise only after a decision is taken regarding the Second Plan.

Shri A. K. Gopalan : Why there is delay in deciding that it will be Barapole and not Kunda, especially in view of the fact that there was a discussion about it in the Planning Commission last time when the representatives met ?

Shri Hathi : The question is about the inclusion in the Second Five Year Plan. We have not yet decided on any project definitely being included in the Second Five Year Plan.

Shri Punnoose : Is there an alternative proposal to have a project at Kunda and not at Barapole ?

Shri Hathi : It is not actually an alternative proposal. But there are three such projects in the south for generating hydro-electric power. One of them is Kunda, the other is Barapole, and the third is Honnemaradu in Mysore.

Shri Nettur P. Damodaran: May I know whether the projects are selected with a view to serving the national interests in the best manner, or they are selected in accordance with the pressure that the various States interested in their private schemes are able to bring to bear upon ?

Shri Hathi : They are certainly considered with regard to regional needs and national interests.

The Minister of Planning and Irrigation and Power (Shri Nanda): And national needs also.

Shri Punnoose : Are Government aware that people in North Malabar and South Kanara are anxious about reports coming in the papers that the Central Government are being influenced to drop this scheme ?

Shri Hathi: I have no such information.

Kosi Project

*20. **Dr. Rama Rao** : Will the Minister of **Irrigation and Power** be pleased to state the progress made so far on the Kosi Project ?

The Deputy Minister of Irrigation and Power (Shri Hathi): A statement giving the requisite information is laid on the Table of theH ouse. [*See* Appendix I, Annexure No. 3].

Dr. Rama Rao : From the statement it is not clear whether any construction is going on for any hospital or labour quarters. May I know what is being done for the construction of hospitals and labour quarters ?

Shri Hathi: Actually, medical facilities are being given. But on the embankments which are running for some miles along the river bank, it may not be possible to have a permanent hospital.

Dr. Rama Rao: On page 8 of the statement, regarding acquisition of railway materials, it is mentioned that the engines acquired are under repair and are being overhauled, and that some 52 old wagons have been acquired. May I know why you specialise in acquiring dilapidated and old engines and wagons for the Kosi Project ?

Shri Hathi : On grounds of economy, if they are available.

Dr. Rama Rao : May I know the programme and time-schedule of the whole scheme ?

Shri Hathi : We have had a time schedule. We have prepared it for this year ; and for the next season , it is being prepared.

ठाकुर युगल किशोर सिंह : क्या यह सत्य है कि भारत सेवक समाज के संयोजक ने इस बात की शिकायत की है कि जो काम जन सहयोग द्वारा किए जाते हैं उनमें अधिकारियों द्वारा कठिनाइयां उपस्थित की जाती हैं ?

योजना तथा सिंचाई और विद्युत मंत्री (श्री नन्दा) : जब कोई बड़ा काम नये ढंग से शुरू किया जाता है तो कठिनाइयों का उत्पन्न होना कुदरती बात है, यह स्वभाविक ही है।

ठाकुर युगल किशोर सिंह : किस तरह की कठिनाइयां.....

Shri Kamath : Is the hon. Minister in a position to state what proportion the quantum of *Shramdan* in his Kosi project bears to the total labour employed ?

Shri Nanda : The figures and the details have been given there in the statement. The *Shramdan* side has been completed.

Shri Kamath : What steps have Government taken to see that this *Shramdan* is not really *begar* ?

Shri Nanda : *Shramdan* is distinguished from the other type of work where payments are made. There is no question of *begar*; it is all voluntary work completely.

Technical Training Centre

*21. **Shri Subodh Hasda** : Will the Minister of **Planning** be pleased to refer to the reply given to Starred Question No. 1617 on the 29th March, 1955 and state :

(a) whether the construction of the building for the Technical Training Centre at Jhargram Project Block has since been completed;

(b) if so, whether the training of students has started ; and

(c) whether Government have fixed any standard for admission to the Training School ?

The Deputy Minister of Planing (Shri S. N. Mishra) : (a) Construction of the building has been nearly completed.

(b) Yes.

(c) Yes, High School Class VII.

Shri Subodh Hasda: May I know whether Government would consider the standards for admission of the professional students having no educational qualifications ?

Shri S. N. Mishra: I think so far the standard laid down is there. But there does not seem to be any intention to relax it at the present moment.

Shri Subodh Hasda: May I know the total amount of expenditure incurred in implementing this scheme ?

Shri S. N. Mishra: The total amount that will be required for this purpose would come up to Rs. 2,60,166. But the amount of expenditure incurred so far comes to Rs. 1,20,073-8-0

Shri S. C. Samanta: May I know how many candidates can be trained there, and whether trainees from outside the project area will also be taken in ?

Shri S. N. Mishra: The number of trainees in each vocation would come up to about 20; and there are 20 vocations in which the boys are to be trained. So, the total number would come to 160, but at the present moment, 40 are being trained.

So far as the question of boys being taken from outside is concerned, I think there does not seem to be any embargo on that.

Shri S. C. Samanta: May I know whether Government have any proposal to provide those trainees who will have training there with any vocational assistance within the community project area after the completion of their course?

Shri S. N. Mishra: That does not seem to be the purpose behind such training.

Textile Enquiry Committee

*22. **Shri Gadilingana Gowd:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 2372 on the 19th April, 1955 and state:

(a) whether Government have since taken any decision on the Report of the Textile Enquiry Committee; and

(b) if so, which of their recommendations have been accepted?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) and (b). Government have not yet taken any decisions on this report.

Shri Gadilingana Gowd: How long will it take for Government to come to a decision in the matter?

Shri Kanungo: As soon as possible.

Shri Nanadas: May I know what are the reasons for not taking a decision in this matter?

Shri Kanungo: There are no particular reasons. One reason was that the Report was not available in print in full.

Shri B. S. Murthy: What are the recommendations made by the Committee?

Mr. Speaker: Order, order. The recommendations are being considered.

Shri Kanungo: Copies of the Report are available in the Library.

Shri T. S. A. Chettiar: May I know whether the recent statement of the hon. Minister of Commerce and Industry that he is a complete convert to the philosophy of the handloom will have any influence in coming to a decision over this Report?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): The hon. Member is at liberty to judge for himself.

मद्य-निषेध जांच समिति

*२४. **श्री भक्त दर्शन :** क्या योजना मंत्री २५ फरवरी, १९५५ को पूछे गये तारांकित प्रश्न संख्या २२५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या योजना आयोग द्वारा नियुक्त की गई मद्य निषेध जांच समिति ने अब अपना प्रतिवेदन दे दिया है; और

(ख) यदि हां, तो क्या उसकी प्रति सभा-पटल पर रखी जायेगी ?

योजना उपमंत्री (श्री श्याम नन्दन मिश्र): (क) और (ख). संक्षेप में प्रतिवेदन की सिफारिशें अग्रसूचना के रूप में हाल में आई हैं और प्रारम्भिक परीक्षा की अवस्था में हैं। पूर्ण प्रतिवेदन की प्रतिक्षा की जा रही है।

श्री भक्त दर्शन : क्या यह सत्य है कि इस समिति ने इस आशय की सिफारिश की है कि कुछ ही वर्षों के अन्दर सारे देश में पूर्ण मद्यनिषेध लागू कर दिया जाय। यदि यह सत्य है तो क्या कमेटी ने इस बात की भी सिफारिश की है कि इस के कारण जो घाटा प्रान्तीय और केन्द्रीय सरकारों को होगा उस की किस तरह से पूर्ति की जायेगी ?

श्री एस० एन० मिश्र : ये सारी बातें तफसील की हैं और इन सब पर गौर किया जा रहा है। अभी उन को प्रकाश में लाने की कोई खास आवश्यकता नहीं है।

श्री भक्त दर्शन : क्या.....

Mr. Speaker : He may await the report now.

Jute Bags

*25. **Pandit D. N. Tiwary:** Will the Minister of **Commerce and Industry** be pleased to state whether there hav been any negotiations with Turkey for the supply of jute bags?

The Minister of Commerce (Shri Karmarkar): No, Sir.

Pandit D. N. Tiwary: May I know whether sometime past licences for the import of Indian jute goods were cancelled by the Turkish Government because of acute shortage of foreign exchange?

Shri Karmarkar: So far as jute goods are concerned, I find that during 1955 about 2,700 tons have been passed for shipment.

Pandit D. N. Tiwary: May I know whether India has become self-sufficient in jute goods? If not, for what reasons are jute goods being exported?

Shri Karmarkar: We have a surplus of jute goods, as my hon. friend ought to know.

Shri L. N. Mishra: May I know whether Government are aware of the fact that some European traders in jute have joined together to fight with the Indian jute exports? If so, what steps are Government going to take to face that?

Shri Karmarkar: I am aware of all the aspects relating to Turkey. Is the hon. Member speaking with reference to Turkey?

Low-income Group Housing Scheme

*27. **Chaudhri Muhammed Shaffee:** Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 1647 on the 29th March, 1955 and state the total loan sanctioned and the payments made so far to the Jammu and Kashmir State Government under the Low-income Group Housing Scheme?

The Minister of Commerce (Shri Karmarkar): The total loan allocation made so far to the Jammu and Kashmir Government under the Scheme is Rs. 35 Lakhs. The State Government have not yet asked for any payment against this allocation.

Shri B. N. Mishra: May I know which are the States where this scheme is in operation and how much the Government have given till now to each of those States?

Shri Karmarkar: It is a long list of 24 States. If you permit me, I shall read it.

Mr. Speaker: It takes a long time. He may place it on the Table of the House.

विदेशों में भारतीय मिशन

*२६. **श्री के० सी० सोखिया :** क्या प्रधान मंत्री उन देशों के नाम बताने की कृपा करेंगे जहां सरकार निकट भविष्य में अपने राजदूतावास एवं मिशन स्थापित करने का विचार करती है ?

श्री साबत अली खां : इस विषय में कुछ प्रस्ताव विचाराधीन हैं और कुछ मामलों में सम्बन्धित विदेशी सरकारों से बातचीतें चल रही हैं । ऐसे प्रस्तावों अथवा बातचीतों के बारे में समाचार प्रकट करना जनहित में नहीं है ।

श्री के० सी० सोखिया : दूतावास और मिशन स्थापित करने के लिये कौन कौन सी विशेष बातों पर ध्यान दिया जाता है ?

श्री साबत अली खां : जितनी बातों का ताल्लुक उस से होता है उन पर ध्यान दिया जाता है ।

Mr. Speaker: If there is anything of special importance, he may state it.

Shri Sadath Ali Khan: Various aspects before opening a Mission in a foreign country are considered, such as trade, cultural relations and diplomatic relations. Everything is taken into consideration.

श्री के० सी० सोखिया : व्यापार के लिए जो ट्रेड मिशन खोले गये हैं उनका और जो कटनीतिक दूतावास हैं उनका क्या सम्बन्ध है ?

Mr. Speaker: It is going beyond the scope.

Shri Kamath: Is there any truth in reports appearing in a section of the Press that Government will shortly establish diplomatic relations with Spain?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The matter before us has been the opening of consular relations with Spain. It may be that in future we may consider the other matter also; at present, it is a consular matter.

N.E.F.A.

*30. **Shri Rishang Keishing:** Will the **Prime Minister** be pleased to state:

(a) the number of persons who were arrested in Tuensang Division in connection with recent incident in which three Assam Riflemen lost their lives;

(b) the number of tribals other than the residents of the Tuensang Division who were also arrested; and

(c) the number of villagers involved in the said incident?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) to (c). The information has been called for from the local authorities and will be placed on the Table of the House when received.

Shri Rishang Keishing: Is it a fact that certain areas of the Naga hills and NEFA have been declared as disturbed areas recently and the Government of India have allowed the Assam Government and the NEFA authorities to use regular Indian Armed Forces to suppress the disturbances in those areas?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is true that certain areas have been described as disturbed areas there, at the instance of the Assam Government.

Shri Rishang Keishing: Whether certain areas of NEFA have also been included in the disturbed areas and the Assam Government have been allowed to use the regular Indian Armed Forces to suppress the disturbances in these so-called disturbed areas?

Shri Jawaharlal Nehru: If the hon. Member is referring to the Assam Rifles, they are normally stationed there. That is their habitant. The Assam Rifles function in the North East Forntier Agency region as well as round about. They are there, of course, and if necessary, they are used. I do not quite know what particular instance the hon. Member has in mind.

Mr. Speaker: The allegation seems to be that they are members of the regular Armed Forces.

Shri Jawaharlal Nehru: They are the Assam Rifles which are not the regular Army, but which are, certainly, like the Army.

Shri Rishang Keishing: What I am asking is whether any part of NEFA is also included in the disturbed areas. My second question is whether the regular Indian Armed Forces have been allowed to be used in this area.

Shri Jawaharlal Nehru: I have to enquire, as I do not know. But normally the Assam Rifles function there.

Shri Kamath: What measures have been taken by the Central Government, or have been recommended by the Government, to improve the economic condition of these tribals so as to keep them contented?

Shri Jawaharlal Nehru: These measures have been repeatedly stated on the floor of this House in answer to questions and in reports. I can hardly detail them. If I may say so, quite considerable progress has been made. When reference is made to certain disturbed areas, it relates to a very small part rather on the Burma border not to that vast North East Frontier Agency area.

Shri K. K. Basu: May we know the causes of disturbance in the small pockets which the Prime Minister just mentioned?

Shri Jawaharlal Nehru: The causes may be several, but principally that pocket is rather closely connected geographically with the Naga Hills District and certain disgruntled elements from the Naga Hills District are said to have gone there and created these difficulties.

Low-income Group Housing Scheme

*31. **Shri Biren Dutt:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Government of Tripura have introduced the Low-Income Group Housing Scheme in the State; and

(b) if so, the number of persons who have been given loans since June, 1954 under the Scheme?

The Minister of Commerce (Shri Karmarkar): (a) Not yet, Sir.

(b) Does not arise.

Shri Biren Dutt: What are the difficulties of introducing this scheme in Tripura?

Shri Karmarkar: The difficulty is that the State Government have not sent their scheme yet. They recently asked us to send them model rules and we have sent them the model rules of the punjab Government.

Rourkela Steel Plant

*32. **Shri Sanganna:** Will the Minister of **Iron and Steel** be pleased to refer to the reply given to Starred Question No. 2651 on the 27th April, 1955 and state:

(a) whether any decision has since been taken in regard to the supply of water to Rourkela Plant; and

(b) if so, the nature thereof?

The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari): (a) and (b). Investigations in the matter are still proceeding.

Shri Sanganna: May I know whether the hon. Ministr has visited the site recently, and if so, whether he has made a through study of this aspect of the question?

Shri T. T. Krishnamachari : All that I can say is that we had a discussion, almost a full-dress discussion on this particular matter, and certain lines of thought have developed. All these have to be investigated.

Shri Sanganna : May I know the impression of the hon. Minister as to the progress of work in regard to this plant ?

Shri T. T. Krishnamachari : One should think, in the circumstances, that the progress is satisfactory.

Rehabilitation of Displaced Persons

*33. **Shri H. N. Mukerjee** : Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that at a recent conference of to -level officials, cert in areas outside West Bengal where displaced persons might be rehabilitated, have been decided upon ; and

(b) if so, the names of those areas ?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) and (b). Yes. The question of rehabilitation of East Bengal displaced persons outside West Bengal was considered by the National Development Council at its meeting held on 6th May 1955, and it was decided that lands for such displaced persons should be located in the States of Orissa, Andhra, Madhya Pradesh, Mysore, Vindhya Pradesh, and other States.

Shri H. N. Mukerjee: May I know if any special stepsare being taken to ensure the maximum possible number of displaced persons being rehabilitated in contiguous provinces like Assam or Bihar, which would help the process of rehabilitation ?

Shri Mehar Chand Khanna : Now the problem is far bigger than rehabilitating the persons who are coming from East Bengal in the neighbouring provinces of Assam, Bihar and Orissa. The number of displaced persons there is already fairly large. So, with a view to meet the increasing influx from East Pakistan, we have to locate other areas for them these may not be in the vicinity of West Bengal.

Shrimati Renu Chakravartty : May I know if the policy of Government is that there is no free land to be recliamed in West Bengal, or is it that they are thinking of reclaiming these areas in West Bengal ?

Shri Mehr Chand Khanna : The policy of Government is to accommodate or rehabilitate displaced persons within Bengal, Assam, Orissa and Bihar, as many as possible. But the number in West Bengal is already over 28,00,000 and according to our information, we have really reached the saturation point. But if any lands do become available, we will consider them.

Shrimati Renu Chakarvartty : May I know if it is a fact that a proposal in regard to over 1,00,000 acres of paddy land inundated by saline water has been put forward before Government for reclamation and whether Government have taken any steps in regard to it ?

Shri Mehr Chand Khanna : If the information is given to me by the hon. Member, I can promise that I will look into it.

Dr. Rama Rao : May I know if any new and liberal steps have been taken to induce these people to go to Andamans ?

Shri Mehr Chand Khanna: There is already a fixed quota for Adndamans. That quota has not yet been exhausted. We are to send about 4,000 families to Andamans and we have only been able to send about 1,000. After that quota has been exhausted sending of more families to Andamans can be considered.

Atomic Research

*36. **Shri N. M. Lingam** : Will the **Prime Minister** be pleased to state the nature of assistance received from foreign countries for the development of atomic research ?

The Prime Minister and Minister of External Affairs : **(Shri Jawaharlal Nehru)** : India is in close touch with other countries for cooperation and collaboration in atomic research and has formal Agreements with some of them. The assistance received is in the nature of facilities for training of Indian personnel supply of literature, technical know-how of processes, procurement of specilised equipment and supply of fuel elements for reactors.

Shri N. M. Lingam : May I know...

Shri Meghnad Saha : May I know if the Government....

Mr. Speaker : The convention has been that the person who has put the question will be given the first chance. Hon. Member will bear that in mind and then try to catch the eye of the Chair.

Shri N. M. Lingam : May I know if India is in the list of nations or countries who receive fissionable material and assistance for the construction of reactors from the United States Government ?

Shri Jawaharlal Nehru : I do not know to what list the hon. Member is referring—that list must be kept in Washington presumably, not with us. We are in friendly and co-operative relations in this mater with several countries

in the world, big and small, including the United States of Ametica, France, U.K., U.S.S.R., Canada, Yugoslavia, Sweden, Norway, Israel and Egypt.

Shri N. M. Lingam : May I know if we are free to pass on information on atomic research received from countries which have developed this research, to countries which are comparatively backward in this matter with whom we happen to enter into agreements ?

Shri Jawaharlal Nehru: That depends on the nature of agreement. If we are asked not to pass on some information which we get, then naturally we have to respect that. Otherwise, so far as we are concerned, we do not want to keep anything secret.

Shri Meghnad Saha : May I know if the Government is in touch with Soviet Russia for help in this atomic energy affair, and also if the Government is aware that Soviet Russia is offering reactors, technical help, etc., to all friendly nations ?

Shri Jawaharlal Nehru : Yes, Sir. We know that such offers have been made. We are considering all these matters on a world basis of various countries, including the Soviet Union. Some of our scientists dealing with atomic energy will probably be visiting the Soviet Union to dicuss matters further.

Shri Kamath : So far as the attitude of the U. K., U. S. A and U. S. S. R, is concerned in this matter, which country has been observing the least atomic secrecy in relation to India ?

Shri Jawaharlal Nehru : The countries that have observed the greatest lack of secrecy are those which have very few secrets.

Shri Kamath : There is no answer to my question. Which of the three countries.....

Mr. Speaker : He has already answered it.

Shri Kamth : Is it satisfactory?

Press Commission

*37. **Shri N. Rachiah:** Will the Minister of **Information and Broadcasting** be pleased to state .

(a) when Government propose to constitute a Press Council as recommended by the Press Commission; and

(b) whether the views of the Indian Journalists' Association have been ascertained in this regard ?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) It is difficult to fix any date. The matter is under active consideration of Government.

(b) It is not clear whether the hon. Member is referring to any specific association or to representative bodies of journalists. The views of the various Associations of newspapermen have been ascertained on the recommendations of the Press Commission.

Shri N. Rachiah : Are Government aware that there is general dissatisfaction among the working journalists due to the delay in the implementation of the recommendations of the Report of the Press Commission ?

Dr. Keskar : Yes, Sir. I have replied to this in connection with a previous question.

Shri M. L. Dwivedi : As sufficient time has already elapased since the Report of the Commission was submitted, may I know what is the hitch in the implementation of its recommendations ?

Dr. Keskar : The delay in expediting any work depends on the nature, importance and complexity of any recommendation, and so far as this specific question is concerned, it is not always easy to implement immediately any recommendation even though we might consider it desirable.

WRITTEN ANSWERS TO QUESTIONS

Hydel Projects

*5. **Shri Eswara Reddy** : Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that a large number of machines used for work in some of the Hydel Projects in the country are lying unused;

(b) if so, the reasons therefor; and

(c) the steps taken to ensure their proper use ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) No, Sir. The position has substantially improved since, 1953, when the Plant and machinery Committee visited various projects.

(b) and (c). A statement giving the required information is placed on the Table of the House. [*See* Appendix I Annexure No. 4].

Border Incidents

*16. **Shri Sivamurthi Swami** : Will the **Prime Minister** be pleased to state:

(a) the number of border incidents which have occurred during the peiod from April to June 1955 on the Indo-Pakistan borders of East and West Punjab.

(b) the extent of loss of life and property on the Indian side;

(c) whether any compensation has been claimed by Government; and

(d) if so, the number of cases in which the representations have been successful ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) to (d). No incidents have been reported to the Government of India on the Punjab border during the period April to June 1955.

Community Development Projects

*23. **Shri V. P. Nayar** : Will the Minister of **Planning** be pleased to state whether there are any plants to introduce games and physical exercises in the Community Development Projects ?

The Deputy Minister of Planning (Shri S. N. Mishra) : Games and physical exercises are being encourged according to the local conditions obtaining in the villages as a part of Education work in the Community Development Programme.

Honnemaradu Project

*26. **Shri T. B. Vittal Rao** : Will the Minister of **Planning** be pleased to refer to the reply given to Starred Question No. 1614 on the 29th March, 1955 and state:

(a) Whether the Honnemaradu Project has been examined by the Technical Advisory Committee; and

(b) if so, the nature of recommendations made by the Committee ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) and (b). The Honnemaradu Project was considered by the (Technical) Advisory Committee on Irrigation & Power in a preliminary way. In the Committee's view, examination is necessary on certain aspects of the project. This examination is being conducted by the Government of Mysore and the Central Water & Power Commission, and the results are now awaited.

Tea Estates

*28. **Shri R.K. Chaudhuri** : Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the tea esates in India belonging to the Sterling Companies are being sold at exorbitant prices, say, at nearly twelve times more than the what share value of such companies; and

(b) if so, whether it is a fact that such sterling releases interfere with the import of goods from such countries ?

The Minister of Commerce (Shri Karmarkar) : (a) Sales of some tea estates belonging to the sterling tea companies are reported to have taken place recently. But it is not possible to say whether prices paid have been exorbitant or not.

(b) No, Sir.

Indian Films (Export)

*34. **Shrimati Ila Palchoudhury** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the films produced in India are exported to foreign countries and screened there;

(b) if so, the names of the countries to which they are exported; and

(c) whether the recent exhibitions of Indian films in foreign countries have increased the export of Indian films?

The Minister of Commerce (Shri Karmarkar) : (a) to (c). Information is being collected and will be laid on the Table of the House in due course.

Rubber Factory

*35. **Shri Viswanatha Reddy**: Will the Minister of **Production** be pleased to state:

(a) whether there is any proposal to start in the Public Sector a synthetic rubber plant to meet the shortage of rubber in the country; and

(b) if so, whether any project report has been called for in this regard?

The Deputy Minister of Production (Shri Satish Chandra): (a) and (b). No.

Iron Rods

*38. **Shri Matthen** : Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that there is a great shortage of Mild Steel Iron rods in the market, more especially in Cocnin and other places in Travancore Cochin State; and

(b) if so, the steps taken to overcome the shortage of this marterial?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) and (b). There is generally shortage of bars and rods. Government are taking steps to augment supplies by imports.

Steel Price

*39. **Shri Punnoose:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have recently increased the retention price of steel to be paid to major steel producers;

(b) on how many occasions the retention price has been raised during the past three years and the extent of the rise each time; and

(c) the average price of imported steel at present (exclusive of Duties)?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) Three occasions.

By Rs. 32/-, Rs. 15/- and Rs. 54/- in respect of Tata Iron and Steel Company and by Rs. 16/-, Rs. 59/- and Rs. 7/-. in respect of Indian Iron and Steel Company.

(c) The prices of imported steel are subject to fluctuations. The average C.I.F. prices per ton for certain main categories are reported to be as follows:—

About Rs. 600/- for Structurals,
Rs. 850/- for Sheets,
Rs. 645/- for Plates, and
Rs. 550/- for Bars and Rods.

Plant and Machinery Committee

*40. **Shri Raghavaiah:** Will the Minister of **Irrigation and Power** be pleased to state the steps Government have taken to increase the operational efficiency of plant and machinery in use in the different River Valley Projects, in pursuance of the Report of the Plant and Machinery Committee?

The Deputy Minister of Irrigation and Power (Shri Hathi): A statement which indicates the steps taken by Government to increase the operational efficiency of plant and machinery in use in the different River Valley Projects in pursuance of the recommendations of the Plant and Machinery Committee, is placed on the Table of the House. [*See* Appendix I, annexure No. 5].

Radio Components

*41. **Shri Nanadas:** Will the **Minister of Commerce and Industry** be pleased to state:

(a) whether it is a fact That Messrs. Radio and Electrical Manufacturing Co., Ltd., Bangalore have entered into an agreement with foreign firms for the manufacture of radio compornents in India; and

(b) if so, the details thereof?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) Government understand that this firm is negotiating with certain foreign firms for the manufacture of radio components. But no agreement seems to have been arrived at.

(b) Does not arise.

Community Development Programme

*42. **Shri D. C. Sharma:** Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that the progress of the programme of 'Rural Housing' in the Community Project areas has been slow; and

(b) if so, the reasons therefor?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) No, Sir.

(b) Does not arise.

Free Trade Zones

*43. **Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a suggestion has been made to Government for the setting up of free trade zones at the principal ports of the country where manufacturers will be allowed to import their raw materials, process them there and re-export them with out payment of duties; and

(b) if so, the decision taken thereon?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir, not in the recent past. But the Export Promotion Committee examined such a suggestion as far back as 1949. The Committee did not advocate the establishment of free trade zones at any of the ports in India.

(b) Does not arise.

Documentaries and Newsreels

*44. **Shri A. K. Gopalan:** Will the Minister of **Information and broadcasting** be pleased to lay a statement on the Table of the House showing;

(a) the number of documentaries and newsreels produced by the Films Division showing materials of cultural, historical etc. interests in Kerala; and

(b) the total number of such documentaries and newsreels produced, relating to each linguistic area so far?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Three of the documentaries released by the Films Division deal entirely with Kerala while six others include sequences or shots of Kerala. In addition, twenty-six of the newsreels released by the Division till the end of June 1955, carried news items relating to Kerala.

(b) Subjects for production of documentaries and newsreels are not selected on a linguistic basis. The programme for documentaries is drawn up in consultation with the various Ministries of the Government of India and subjects are selected according to their importance for educative and cultural publicity.

For the newsreels, events and functions are covered on the basis of their news value.

Steel

*45. **Shri Raghunath Singh:**
Seth Govind Das:

Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that the production of steel in India has decreased this year as compared to 1954?

The Deputy Minister of Commerce and Industry (Shri Kanungo): No, Sir. The production of finished steel during the first five months of 1955 was 532, 903 tons as against 518, 231 tons during the corresponding period in 1954.

Low-Income Group Housing Scheme

*46. **Shri S. C. Samanta:** Will the Minister of **Works, Housing and Supply** be pleased to refer to the answer given to Starred Question No. 1647 on the 29th March, 1955 and state:

(a) the amount of loan sanctioned to the West Bengal Government under the Low-income Group Housing Scheme;

(b) the number of schemes which have been put forward; and

(c) whether any time limit has been prescribed for spending the amount?

The Minister of Commerce (Shri Karmarkar): (a) Rs. 2 crores.

(b) The loan amount can be disbursed by the State Government to Cooperatives and individuals and to local bodies for housing their low-paid staff. The West Bengal Government does not have to refer every individual application for loan to the Central Government.

(c) The State Government are expected to spend the amount within the current Plan period i.e. by the end of March, 1956.

Village Industries

*47. **Chaudhuri Muhammed Shaffee:** Will the Minister of **Production** be pleased to state:

(a) whether the Government of India propose to give grants and loans to States during the current year for the development of village industries;

(b) if so, the total amount to be given to each State and the names of the industries for which the amount is being given; and

(c) the period for which this aid would be given?

The Deputy Minister of Production (Shri Satish Chandra): (a) Yes, Sir.

(b) No specific amount has been earmarked for each State Government. A statement giving information about industries for which funds have so far been sanctioned is laid on the Table of the House. [*See* Appendix I, annexure No. 6].

(c) The present funds will be normally operative till the end of current financial year. Such assistance (as is considered necessary) is however, intended to be given in future years also.

Displaced Persons in Tripura

*48. **Shri Biren Dutt:** Will the Minister of **Rehabilitation** be pleased to lay a statement on the Table of the House showing:

(a) the number of displaced persons in Tripura who have received agricultural loans on the West Bengal Scale upto June, 1955;

(b) the difference between the Tripura Scale and the West Bengal Scale; and

(c) the percentage of displaced persons in Tripura who will be benefited by the introduction of the West Bengal Scale?

The Minister of Rehabilitation (Shri Mehr Chand Khanna): (a) and (c). It was decided in March 1955 that the same ceiling in the matter of Agricultural loans would be applied to Tripura and to the other States in the Eastern Region as obtaining in West Bengal. Before loans are, however, sanctioned each case will be examined on merit.

(b) A statement is being placed at the Table of the Sabha. [*See* Appendix I, annexure No. 7].

Steel Plants

*49. **Shrimati Ila Palchoudhury:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of Pig Iron and Steel Plants in India

(*i*) owned and run by the Private Sector;
(*ii*) owned and run by Public-*cum*-Private Sector; and
(*iii*) owned and run by the Public Sector;

(b) whether it is proposed to put-up more Iron and Steel Plants apart from those for the setting up of which agreements have already been signed and construction work is in progress; and

(c) if so, the names of the countries with which negotiations are being carried on and the sites where these Plants will be located?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) (a) (i), (*ii*) and (iii). There are now three main steel works in the country. Two of them—Tata Iron and Steel Co. and Indian Iron and Steel Co. are big units and are in the private sector. The third unit which is smaller *viz.*, Mysore Iron and Steel Works—is owned and operated by the Mysore Government. Two schemes for establishment of steel plants to be owned and run in the Public sector have been approved by the Government of India.

(b) Yes, Sir.

(c) A British Steel Mission whose services were made available under the Colombo Plan, visited India in April 1955. The report of the Mission is awaited. The location of a new unit can be decided only after the report of the Mission is received.

Bhakra Nangal Project

*50. **Shri Barman:** Will the Minister of **Irrigation and Power** be pleased to state

(a) the original estimated cost of the Bhakra Nangal Project in 1946 and the successive changes made thereafter; and

(b) the causes for the successive changes in the estimates?

The Deputy Minister of Irrigation and Power (Shri Hathi) (a) and (b). A statement giving the cost of the Bhakra Nangal Project as estimated originally in 1946 and the successive changes made thereafter together with an explanatory note giving causes therefor is placed on the Table of the House. [*See* Appendix I, annexure No. 8].

Newsreels

*51. **Shri N. M. Lingam:** Will the Minister of **Information and Broadcasting** be pleased to state the basis for selection of Newsreels for display in a particular region?

The Minister of Information and Broadcasting (Dr. Keskar): Selection of items for newsreels is made on the basis of their news importance and the newsreels are distributed on an all-India basis. Arrangements to make regional editions by including a specified percentage of material of regional interest are under active consideration.

Dacca Muslin

*52. **Shri Nanadas:**
Shri Gopala Rao:

Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that the All-India Khadi and Village Industries Board have decided to revive the production of the Dacca Muslin of olden times; and

(b) whether the Board have considered the revival of other varieties of fine cloth which were being produced in other parts of the country?

The Deputy Minister of Production (Shri Satish Chandra): (a) and (b). Yes, Sir.

Damodar Valley Corporation

1. **Shri K. P. Sinha:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that the Damodar Valley Corporation has a scheme to link Burhee in Hazaribagh District with Gaya, Patna and Dalmianagar;

(b) whether this scheme will cover the railway station on Patna-Gaya Railway line; and

(c) if so, the total cost of this scheme?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) The Corporation will supply power to the Govt. of Bihar in bulk at Patna-Gaya and Dalmianagar. The Corporation have not received any request for supply of power to the Railway Station on Patna-Gaya Railway line.

(c) Rs. 321 lakhs.

Local Development Programme

2. **Dr. Satyawadi:** Will the Minister of **Planning** be pleased to state the amount allotted to the Punjab State for local development programme for 1955-56?

The Deputy Minister of Planning (Shri S. N. Mishra): Rs. 21 lakhs, but no amount has actually been drawn so far.

Belting Industry

3. **Shri Barman:** Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table of the House showing the names of the companies, indigenous and foreign, that are producing different types of beltings in India at present?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): A statement is attached. [*See* Appendix I, annexure No. 9].

C. P. W. D. Employees

4. **Shri D. C. Sharma:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total number of Assistants and other employees employed at present in the office of the C. P. W. D., category-wise;

(b) the number of Scheduled Castes and Scheduled Tribes among them; and

(c) the total number of Harijans among the class IV employees, separately?

The Minister of Commerce (Shri Karmarkar): (a) to (c). Two statements containing the requisite information in respect of the Central Office, C. P. W. D. are placed on the Table of the Lok Sabha [*See* Appendix I, annexure No. 10].

Dye-Stuff Industry

5. **Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state the amount of foreign capital invested in the dye-stuff industry in India as on the 31st December, 1953?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): Rs. 10,00,000-/.

Second Five Year Plan

6. **Dr. Satyawadi:** Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that the Himachal Pradesh Government have sent a scheme for removal of shortage of drinking water, for inclusion in the Second Five Year Plan; and

(b) if so, what are its main features and the estimated cost?

The Deputy Minister for Planning (Shri S. N. Mishra): (a) Yes, Sir.

(b) In their proposals for the Second Five Year Plan, the Himachal Pradesh Government have included a scheme for providing (i) water supply to 500 groups of villages (ii) 500 Bawaries with small tanks for drinking water along the various routes in the State, (iii) a drainage system in all towns and important villages, and (iv) 2000 public flush latrines. The total cost of the scheme, spread over the 5 years of the Second Five Year Plan period is estimated at Rs. 150 lakhs.

दिल्ली बिजली सम्भरण

७. **श्री नवल प्रभाकर** : क्या **योजना** मंत्री २५ फरवरी, १९५५ को पूछे गये तारांकित प्रश्न संख्या २४१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि गंगूवाल विद्युत केन्द्र से दिल्ली राज्य को किस दर पर बिजली दी जायगी ?

सिंचाई तथा विद्युत उपमंत्री (श्री हाथी) : विवरण सदन की मेज पर रख दिया गया है । [देखिये परिशिष्ट १, अनुबन्ध संख्या ११]

Groundnut Oil Cake

8. **Shri C. R. Chowdary:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of exporters of groundnut oil cake in Andhra and Madras States;

(b) the total quantity of groundnut oil cake exported during the last three years from ports in Andhra and Madras States, separately;

(c) the ruling price per ton of groundnut oil cake in the country; and

(d) how it compares with the price btaining in the international markets?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) to (d). A Statement is attached. [*See* Appendix I annexure No. 12].

Handloom Products

9. **Shri Ibrahim:** Will the Minister of **Commerce and Industry** be pleased to state the total amount of sales of handloom products in the country during the years 1953-54 and 1954-55?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): Precise information is not available regarding the amount of total sales. The sales effected under the rebate scheme amounted approximately to Rs. 34·8 lakhs and Rs. 554·8 lakhs during 1953-54 and 1954-55 respectively.

Documentary Films

10. **Shri Ibrahim:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the language used in explaining the documentaries which are sent abroad for commercial distribution; and

(b) whether there has been any increase in these films sent abroad recently?

The Minister of Information and Broadcasting (Dr. Keskar): (a) In English mostly and in some cases in Hindi and Tamil where the audiences follow these languages.

(b) A list of countries to which films are sent at present for commercial distribution is attached [*See* Appendix I, annexure No. 13.] Arrangements have also been made recently in respect of Burma and Ceylon and negotiations for commercial distribution in Yugoslavia, Switzerland, Germany and U. S. A. are in progress.

Handloom Industry

11. **Shri Gadilingana Gowd:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Andhra State Government has drawn all the money sanctioned so far to that state out of the Hand Loom Cess Fund for the various development schemes;

(b) if not, the amount that still remains to be drawn; and

(c) the total amount drawn by the State Government so far?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) to (c). A statement is attached. [*See* Appendix I, annexure No. 14].

Multi-purpose Projects

12. **Shri Nanadas:**
Shri Gopala Rao:
Shri Radha Raman:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the committee appointed to examine the scope for production of machinery required in various multi-purpose projects has met so far;

(b) if so, what items were discussed at their meeting; and

(c) the decisions taken thereon?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) to (c). The Committee has not yet been formally constituted as some preliminaries are still to be completed. However, it is understood that a meeting of some of the members was held recently at which the main lines on which further investigation of the matter should be conducted were discussed.

भारत में भतपूव बस्तियां

१३. **सेठ गोविन्द दास :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में भूतपूर्व फ्रांसीसी बस्तियों म, उन के भारत को हस्तांतरित कियेजाने से पूर्व, शिक्षा, स्वास्थ्य, परिवहन और पुलिस पर प्रति वष कितना व्यय किया जाता था;

(ख) हस्तांतरण के बाद वष १९५४-५५ में इन पर कितना व्यय किया गया; और

(ग) १९५४–५५ म भारत सरकार द्वारा फ्रांसीसी भाषा पढ़ाने वाली कितनी संस्थायें खोली गईं ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क)

(आंकड़े हजारों में)	१९५१	१९५२	१९५३	१९५४ (अक्तूबर १९५४ तक)
१. शिक्षा	१२३६	१४४६	१७३४	१२५०
२. स्वास्थ्य	१३९७	१७५२	१८८४	११०८
३. पुलिस*	७६३	९११	९४९	९२४
४. परिवहन**	—	—	—	—

* इस राशि में फ्रांसीसी सरकार द्वारा नियुक्त कुछ अधिकारियों के लिये सीधे फ्रांसीसी मट्रोपोलिटन बजट से किया गया व्यय शामिल नहीं है। ऐसे खर्च का भार स्थानीय बजट पर न था।

** पांडिचेरी राज्य में परिवहन विभाग नहीं है।

(ख)

	१९५४–५५ (१–११–५४ से ३१–३–५५ तक)
१. शिक्षा	५७८
२. स्वास्थ्य	७९८
३. पुलिस	४६४
४. परिवहन	—

(ग) कोई नहीं।

Border Incidents

14. Sardar Iqbal Singh: Will the **Prime Minister** be pleased to state:

(a) the number of border incidents that were officially reported during the period from January to June, 1955 on the Indo-Pakistan border of Punjab, Kashmir and Rajasthan;

(b) the nature of the incidents; and

(c) the number of such incidents that have been amicably settled between the two Governments?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). One incident was reported on the Punjab border during the period from 1-1-1955 to 30-6-1955. In March 1955, the Pakistan Border Police attempted to take forcible possession of Indian territory in Amritsar District. This led to an exchange of firing between the Pakistan Border Police and the Punjab Armed Police. The police authorities of the two sides eventually reached an agreement to withdraw their forces from the area in question and to refer the dispute to higher authorities for an amicable settlement.

Twenty three-incidents were reported on the Jammu and Kashmir border during the period from 1-1-1955 to 30-6-1955. These incidents related to violations of the Cease-fire Agreement and were reported to the United Nations Field Observers Teams for investigation. The most serious incident during the period took place on the 7th May, 1955 near the village Nekowal in Indian territory when twelve Indian nationals lost their lives and one Indian national was wounded. The U. N. Observers declared this incident as a border violation by Pakistan. The matter is under correspondence with the Government of Pakistan.

Ninety-two incidents were reported on the Rajasthan sector during this period. While most of these incidents related to petty raids for the purpose of cattle lifting and thefts, some of them were of a serious nature involving dacoities, kidnapping of Indian nationals and killing of Indian nationals. The Rajasthan authorities took up these cases with their Pakistani counterparts for apprehending the culprits and punishing them; for restoring the looted property and stolen cattle, and recovering the kidnapped persons. In serious cases, protests were also lodged with the Government of Pakistan for suitable action.

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Achal Singh, Seth [Agra Distt. (West)].

Achalu, Shri Sunkam (Nalgonda—Reserved—Sch. Castes).

Achint Ram, Lala (Hissar).

Achuthan, Shri K. T. (Crangannur).

Agarawal, Shri Hoti Lal [Jalaun Distt. cum Etawah Distt.—(West) cum Jhansi Distt.—(North)].

Agrawal, Shri Mukund Lal [Pilibhit Distt. cum Bareilly Distt.—(East)].

Ahmed Mohiuddin, Shri (Hyderabad City).

Ajit Singh, Shri (Kapurthala-Bhatinda—Reserved—Sch. Castes).

Ajit Singhji, General (Sirohi-Pali).

Akarpuri, Sardar Teja Singh (Gurdaspur).

Alagesan, Shri O. V. (Chingleput).

Altekar, Shri Ganesh Sadashiv (North Satara).

Alva, Shri Joachim (Kanara).

Amin, Dr. Indubhai B. (Baroda West).

Amjad Ali, Shri (Goalpara-Garo Hills).

Amrit Kaur, Rajkumari (Mandi-Mahasu).

Anandchand, Shri (Bilaspur).

Ansari, Dr. Shaukatullah Shah (Bidar).

Anthony, Shri Frank (Nominated—Anglo-Indians).

Asthana, Shri Sita Rama (Azamgarh Distt.—West).

Ayyangar, Shri M. Ananthasayanam (Tirupati).

Azad, Maulana Abul Kalam (Rampur Distt. cum Bareilly Distt.—West).

Azad, Shri Bhagwat Jha (Purnea cum Santal Parganas).

B

Babunath Singh, Shri (Surguja-Raigarh—Reserved—Sch. Tribes).

Badan Singh, Chowdhary (Budaun Distt.—West).

Bagdi, Shri Maganlal (Mahasamund).

Bahadur Singh, Shri (Ferozepore-Ludhiana—Reserved—Sch. Castes).

Balakrishnan, Shri S. C. (Erode—Reserved—Sch. Castes).

Balasubramaniam, Shri S. (Madurai).

Baldev Singh, Sardar (Nowan Shahr).

Balmiki, Shri Kanhaiya Lal (Bulandshahr Distt.—Reserved—Sch. Castes).

Banerjee, Shri Durga Charan (Midnapore-Jhargram).

Bansal, Shri Ghamandi Lal (Jhajjar-Rewari).

Barman, Shri Upendranath (North Bengal—Reserved—Sch. Castes).

Barrow, Shri A. E. T. (Nominated—Anglo-Indians).

Barupal, Shri Panna Lall (Ganganagar-Jhunjhunu—Reserved—Sch. Castes).

Basappa, Shri C. R. (Tumkur).

Basu, Shri A. K. (North Bengal).

Basu, Shri Kamal Kumar (Diamond Harbour).

Bhagat, Shri B. R. (Patna cum Shahabad).

Bhakt Darshan, Shri [Garhwal Distt.—(East) cum Moradabad Distt.—(North-East)]

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ıandari, Shri Daulat Mal (Jaipur).

ıarati, Shri Goswamiraja Sahdeo (Yeotmal).

ıargava, Pandit Mukat Behari Lal (Ajmer South).

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ıartiya, Shri Shridigram Ramchandra (West Khandesh).

atkar, Shri Laxman Shrawan Buldana-Akola — Reserved — Sch. Castes).

hatt, Shri Chandrashanker (Broach).

hawani Singh, Shri (Barmer-Jalore).

heekha Bhai, Shri (Banswara-Dungarpur—Reserved—Sch. Tribes).

ıoi, Shri Giridhari (Kalahandi-Bolangir—Reserved—Sch. Tribes).

ıonsle, Shri Jagannathrao Krishnarao (Ratnagiri North).

dari, Shri Ramappa Balappa (Bijapur South).

rbal Singh, Shri [Jaunpur Distt.—(East)].

ɔgawat, Shri U. R. (Ahmednagar South).

ɔovaraghasamy, Shri V. (Perambalur).

ɔrkar, Shrimati Anasayabai Bhaorao (Bhandara—Reserved—Sch. Castes).

ɔroosh, Shri Dev Kanta (Nowgong).

ɔse, Shri P. C. (Manbhum North).

rajeshwar Prasad, Shri (Gaya East).

rohmo-Chaudhury, Shri Sitanath (Goalpara-Garo Hills—Reserved—Sch. Tribes).

uchhikotaiah, Shri Sanaka (Masulipatnam).

C

hakravartty, Shrimati Renu (Basirhat).

Chaliha, Shri Bimlaprosad (Sibsagar-North-Lakhimpur).

Chanda, Shri Anil Kumar (Birbhum).

Chandak, Shri B. L. (Betul).

Chandrasekhar, Shrimati M. (Tiruvallur—Reserved—Sch. Castes).

Charak, Th. Lakshman Singh (Jammu and Kashmir).

Chatterjea, Shri Tushar (Serampore).

Chatterjee, Dr. Susilranjan (West Dinajpur).

Chatterjee, Shri N. C. (Hooghly).

Chattopadhyaya, Shri Harindranath (Vijayawada).

Chaturvedi, Shri Rohanlal [Etah Distt.—(Central)].

Chaudhary, Shri Ganeshi Lal [Shahjahanpur Distt.—(North) cum Kheri—(East)—Reserved—Sch. Castes].

Chaudhuri Muhammed Shaffee, Shri (Jammu and Kashmir).

Chaudhuri, Shri Rohini Kumar (Gauhati).

Chaudhuri, Shri Tridib Kumar (Berhampore).

Chavda, Shri Akbar (Banaskantha).

Chettiar, Shri T. S. Avinashilingam (Tiruppur).

Chettiar, Shri V. Vr. N. Ar. Nagappa (Ramanathapuram).

Chowdary, Shri C. R. (Narasaraopet).

Chowdhury, Shri Nikunja Behari (Ghatal).

D

Dabhi, Shri Fulsinhji B. (Kaira North).

Damar, Shri Amar Singh Sabji (Jhabua—Reserved—Sch. Tribes).

Damodaran, Shri G. R. (Pollachi).

Damodaran, Shri Nettur P. (Tellichery).

Das, Shri B. (Jajpur-Keonjhar).

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Das, Shri Basanta Kumar (Contai).

Das, Shri Beli Ram (Barpeta).

Das, Shri Bijoy Chandra (Ganjam South).

Das, Shri Kamal Krishna (Birbhum—Reserved—Sch. Castes).

Das, Dr. Mono Mohon (Burdwan—Reserved—Sch. Castes).

Das, Shri Nayan Tara (Monghyr Sadr cum Jamui—Reserved—Sch. Castes).

Das, Shri Shree Narayan (Darbhanga Central).

Das, Shri Ramananda (Barrackpore).

Das, Shri Ram Dhani (Gaya East—Reserved—Sch. Castes).

Das, Shri Sarangadhar (Dhenkanal-West Cuttack).

Datar, Shri Balwant Nagesh (Belgaum North).

Deb, Shri Dasaratha (Tripura East).

Deb, Shri Suresh Chandra (Cachar-Lushai Hills).

Deo, H. H. Maharaja Rajendra Narayan Singh (Kalahandi-Bolangir).

Deo, Shri Chandikeshwar Sharan Singh Ju (Surguja-Raigarh).

Deogam, Shri Kanhu Ram (Chaibasa—Reserved—Sch. Tribes).

Desai, Shri Kanayalal Nanabhai (Surat).

Desai, Shri Khandubhai Kasanji (Halar).

Deshmukh, Dr. Panjabrao S. (Amravati East).

Deshmukh, Shri Chintaman Dwarkanath (Kolaba).

Deshmukh, Shri K. G. (Amravati West).

Deshpande, Shri Govind Hari (Nasik Central).

Deshpande, Shri Vishnu Ghanashyam (Guna).

Dholakia, Shri Gulab Shankar Amritlal (Kutch East).

Dhulekar, Shri R. V. [Jhansi Distt.—(South)].

Dhusiya, Shri Sohan Lal [Basti Distt.—(Central-East) cum Gorakhpur Distt. — (West) — Reserved — Sch. Castes].

Digambar Singh, Shri [Etah Distt.—(West) cum Mainpuri Distt.—(West) cum Mathura Distt.—(East)].

Digvijaya Narain Singh, Shri (Muzaffarpur—North-East).

Dinesh Pratap Singh, Shri (Bahraich Distt.—East).

Diwan, Shri Raghavendrarao Srinivasrao (Osmanabad).

Dube, Shri Mulchand [Farrukhabad Distt. (North)].

Dube, Shri Udai Shankar [Basti Distt. (North)].

Dubey, Shri Rajaram Giridharilal (Bijapur North).

Dutt, Shri Asim Krishna (Calcutta South-West).

Dutt, Shri Biren (Tripura West).

Dutta, Shri Santosh Kumar (Howrah).

Dwivedi, Shri Dashrath Prasad (Gorakhpur Distt.—Central).

Dwivedi, Shri M. L. (Hamirpur Distt.).

E

Eacharan, Shri Iyyani (Ponnani—Reserved—Sch. Castes).

Ebenezer, Dr. S. A. (Vikarabad).

Elayaperumal, Shri L. (Cuddalore—Reserved—Sch. Castes).

F

Fotedar, Pandit Sheo Narayan (Jammu and Kashmir).

G

Gadgil, Shri Narhar Vishnu (Poona Central).

Gadilingana Gowd, Shri Y. (Kurnool).

G—*contd.*

Ganpati Ram, Shri [Jaunpur Distt. (East)—Reserved—Sch. Castes].

Gandhi, Shri Feroze [Pratapgarh Distt. (West) *cum* Rae Bareli Distt. (East)].

Gandhi, Shri Maneklal Maganlal (Panch Mahals *cum* Baroda East).

Gandhi, Shri V. B. (Bombay City—North).

Ganga Devi, Shrimati (Lucknow Distt. *cum* Bara Banki Distt.—Reserved—Sch. Castes).

Garg, Shri Ram Pratap (Patiala).

Gautam, Shri C. D. (Balaghat).

Ghose, Shri Surendra Mohan (Malda)

Ghosh, Shri Atulya (Burdwan).

Ghulam Qader, Kh. (Jammu and Kashmir).

Gidwani, Shri Choithram Partabrai (Thana).

Giri, Shri V. V. (Pathapatnam).

Girraj Saran Singh, Shri (Bharatpur-Sawai Madhopur).

Gohain, Shri Chowkhamoon (Nominated—Assam Tribal Areas).

Gopalan, Shri A. K. (Cannanore).

Gopi Ram, Shri (Mandi-Mahasu—Reserved—Sch. Castes).

Gounder, Shri K. Periaswami (Erode).

Gounder, Shri K. Sakthivadivel (Periyakulam).

Govind Das, Seth (Mandla-Jabalpur South).

Gowda, Shri T. Madiah (Bangalore—South).

Guha, Shri Arun Chandra (Santipur).

Gupta, Shri Badshah (Mainpuri Distt.—East).

Gupta, Shri Sadhan Chandra (Calcutta—South East).

Gurupadaswamy, Shri M. S. (Mysore).

H

Har Prasad Singh, Shri (Ghazipur Distt.—West).

Hari Mohan, Dr. (Manbhum North—Reserved—Sch. Castes).

Hansda, Shri Benjamin (Purnea *cum* Santal Parganas—Reserved—Sch. Tribes).

Hasda, Shri Subodh (Midnapore-Jhargand—Reserved—Sch. Tribes).

Hazarika, Shri Jogendra Nath (Dibrugarh).

Heda, Shri H. C. (Nizamabad).

Hembrom, Shri Lal (Santal Parganas *cum* Hazaribagh—Reserved—Sch. Tribes).

Hem Raj, Shri (Kangra).

Hifzur Rahman, Shri M. (Moradabad Distt.—Central).

Hukam Singh, Sardar (Kapurthala-Bhatinda).

Hyder Husein, Chaudhri (Gonda Distt.—North).

I

Ibrahim, Shri A. (Ranchi North-East).

Iqbal Singh, Sardar (Fazilka-Sirsa).

Iyyunni, Shri C. R. (Trichur)

J

Jagjivan Ram, Shri (Shahabad South—Reserved—Sch. Castes).

Jain, Shri Ajit Prasad (Saharanpur Distt.—West *cum* Muzaffarnagar Distt.—North).

Jain, Shri Nemi Saran (Bijnor Distt.—South).

Jaipal Singh, Shri (Ranchi West—Reserved—Sch. Tribes).

Jaisoorya, Dr. N. M. (Medak).

Jajware, Shri Ramraj (Santa Parganas *cum* Hazaribagh).

J—contd.

Jangde, Shri Resham Lal (Bilaspur—Reserved—Sch. Castes).

Jatav-vir, Dr. Manik Chand (Bharatpur-Sawai Madhopur—Reserved—Sch. Castes).

Jayaraman, Shri A. (Tindivanam—Reserved—Sch. Castes).

Jena, Shri Kanhu Charan (Balasore—Reserved—Sch. Castes).

Jena, Shri Lakshmidhar (Jajpur-Keonjhar—Reserved—Sch. Castes).

Jena, Shri Niranjan (Dhenkanal-West Cuttack—Reserved—Sch. Castes).

Jethan, Shri Kherwar (Palamau cum Hazaribagh cum Ranchi—Reserved—Sch. Tribes).

Jhunjhunwala, Shri Banarsi Prasad (Bhagalpur Central).

Jogendra Singh, Sardar (Bahraich Distt.—West).

Joshi, Shri Jethalal Harikrishna (Madhya Saurashtra).

Joshi, Shri Krishnacharya (Yadgir).

Joshi, Shri Liladhar (Shajapur-Rajgarh).

Joshi, Shri Moreshwar Dinkar (Ratnagiri South).

Joshi, Shri Nandlal (Indore).

Joshi, Shrimati Subhadra (Karnal).

Jwala Prashad, Shri (Ajmer North).

K

Kachiroyar, Shri N. D. Govindaswami (Cuddalore).

Kajrolkar, Shri Narayan Sadoba (Bombay City—North—Reserved—Sch. Castes).

Kakkan, Shri P. (Madurai—Reserved—Sch. Castes).

Kale, Shrimati Anasuyabai (Nagpur).

Kamal Singh, Shri (Shahabad—North-West).

Kamath, Shri Hari Vishnu (Hoshangabad).

Kamble, Dr. Devrao Namdevrao Pathrikar (Nanded—Reserved—Sch. Castes).

Kandasamy, Shri S. K. Babie (Tiruchengode).

Kanungo, Shri Nityanand (Kendrapara).

Karmarkar, Shri D. P. (Dharwar North).

Karni Singhji, His Highness Maharaja Sri Bahadur of Bikaner (Bikaner-Churu).

Kasliwal, Shri Nemi Chandra (Kotah-Jhalawar).

Katham, Shri Birendranath (North Bengal—Reserved—Sch. Tribes).

Katju, Dr. Kailas Nath (Mandsaur).

Kazmi, Shri Syed Mohammad Ahmad (Sultanpur Distt.—North cum Faizabad Distt.—South-West).

Kelappan, Shri K. (Ponnani).

Keshavaiengar, Shri N. (Bangalore North).

Keskar, Dr. B. V. (Sultanpur Distt.—South).

Khan, Shri Sadath Ali (Ibrahimpatnam).

Khan, Shri Shahnawaz (Meerut Distt.—North East).

Khardekar, Shri B. H. (Kolhapur cum Satara).

Khare, Dr. N. B. (Gwalior).

Khedkar, Shri Gopalrao Bajirao (Buldana-Akola).

Khimji, Shri Bhawanji A. (Kutch West).

Khongmen, Shrimati B. (Autonomous Distts.—Reserved—Sch. Tribes).

Kirolikar, Shri Wasudeo Shridhar (Durg).

Kolay, Shri Jagannath (Bankura).

Kosa, Shri Muchaki (Bastar—Reserved—Sch. Tribes).

Kottukappally, Shri George Thomas (Meenachil).

K— *contd.*

Kripalani, Acharya J. B. (Bhagalpur *cum* Purnea).

Kripalani, Shrimati Sucheta (New Delhi).

Krishna, Shri M. R. (Karimnagar—Reserved—Sch. Castes).

Krishna Chandra, Shri (Mathura Distt.—West).

Krishnamachari, Shri T. T. (Madras).

Krishnappa, Shri M. V. (Kolar).

Krishnaswami, Dr. A. (Kancheepuram).

Kureel, Shri Baij Nath (Pratapgarh Distt.—West *cum* Rae Bareli Distt —East—Reserved—Sch. Castes).

L

Lakshmayya, Shri Paidi (Anantapur).

Lallanji, Shri (Faizabad Distt.—North-West.)

Lal Singh, Sardar (Ferozepur-Ludhiana).

Lanka Sundaram, Dr. (Visakhapatnam).

Laskar, Shri Nibaran Chandra (Cachar-Lushai Hills—Reserved—Sch. Castes).

Laisram Jogeswar Singh, Shri (Inner Manipur).

Lingam, Shri N. M. (Coimbatore).

Lotan Ram, Shri (Jalaun Dist. *cum* Etawah Distt.—West *cum* Jhansi Distt.—North — Reserved — Sch. Castes).

M

Mahapatra, Shri Sibnarayan Singh (Sundargarh — Reserved — Sch. Tribes).

Mahata, Shri Bhajahari (Manbhum South *cum* Dhalbhum).

Mahendra Nath Singh, Shri (Saran Central).

Mahodaya, Shri Vaijanath (Nimar).

Majhi, Shri Chaitan (Manbhum—South *cum* Dhalbhum—Reserved—Sch. Tribes).

Majhi, Shri Ram Chandra (Mayurbhanj—Reserved—Sch. Tribes).

Majithia, Sardar Surjit Singh (Taran Taran).

Malliah, Shri U. Srinivasa (South Kanara—North).

Malludora, Shri Gam (Visakhapatnam —Reserved—Sch. Tribes).

Malvia, Shri Bhagu-Nandu (Shajapur-Rajgarh—Reserved—Sch. Castes).

Malviya, Shri Motilal (Chhatarpur-Datia-Tikamgarh — Reserved — Sch. Castes).

Malviya, Pandit Chatur Narain (Raisen).

Malaviya, Shri Keshava Deva (Gonda Distt.—East *cum* Basti Distt.—West).

Mandal, Dr. Pashupati (Bankura—Reserved—Sch. Castes).

Mascarene, Kumari Annie (Trivandrum).

Masuriya Din, Shri (Allahabad Distt. —East *cum* Jaunpur Distt.—West—Reserved—Sch. Castes).

Mathew, Prof. C. P. (Kottayam).

Mathuram, Dr. Edward Paul (Tiruchirapalli).

Matthen, Shri C. P. (Thiruvellah).

Mavalankar, Shri G. V. (Ahmedabad).

Maydeo, Shrimati Indira A. (Poona—South).

Mehta, Shri Asoka (Bhandara).

Mehta, Shri Balvantray Gopaljee (Gohilwad).

Mehta, Shri Balwant Sinha (Udaipur).

Mehta, Shri Jaswantrai (Jodhpur).

Menon, Shri K. A. Damodara (Kozhikode).

Minimata, Shrimati (Bilaspur-Durg-Raipur—Reserved—Sch. Castes).

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Mishra, Shri Lalit Narayan (Darbhanga *cum* Bhagalpur).

Mishra, Shri Lokenath (Puri).

Mishra, Shri Mathura Prasad (Monghyr—North-West).

Mishra, Shri Shyam Nandan (Darbhanga—North).

Misra, Shri Sarju Prasad (Deoria Distt.—South).

Misra, Shri Raghubar Dayal (Bulandshahr Distt.).

Misra, Pandit Lingaraj (Khurda).

Misra, Shri Bhupendra Nath (Bilaspur-Durg-Raipur).

Missir, Shri Vijineshwar (Gaya—North).

Mohammad Saeed Masuodi, Maulana (Jammu and Kashmir).

Morarka, Shri Radheshyam Ramkumar (Ganganagar-Jhunjhunu).

More, Shri K. L. (Kolhapur *cum* Satara—Reserved—Sch. Castes).

More, Shri Shankar Shantaram (Sholapur).

Mudaliar, Shri C. Ramaswamy (Kumbakonam).

Muhammad Islamuddin, Shri (Purnea North-East).

Muhammed Khuda Bukhsh, Shri (Murshidabad).

Mukerjee, Shri Hirendra Nath (Calcutta—North-East).

Mukne, Shri Y. M. (Thana—Reserved—Sch. Tribes).

Muniswamy, Shri N. R. (Wandiwash).

Murli Manohar, Shri (Ballia Distt.—East).

Murthy, Shri B. S. (Eluru).

Musafir, Shri Gurmukh Singh (Amritsar).

Mushar, Shri Kirai (Bhagalpur *cum* Purnea—Reserved—Sch. Castes).

Muthukrishnan, Shri M. (Vellore—Reserved—Sch. Castes).

N

Naidu, Shri Nalla Reddi (Rajahmundry).

Nair, Shri C. Krishnan (Outer Delhi).

Nair, Shri N. Sreekantan (Quilon *cum* Mavelikkara).

Nambiar, Shri K. Ananda (Mayuram)

Nanadas, Shri Mangalagiri (Ongole—Reserved—Sch. Castes).

Nanda, Shri Gulzarilal (Sabarkantha).

Narasimham, Shri S. V. L. (Guntur).

Narasimhan, Shri C. R. (Krishnagiri).

Naskar, Shri Purnendu Sekhar (Diamond Harbour—Reserved—Sch. Castes).

Natarajan, Shri S. S. (Srivilliputtur).

Natawadkar, Shri Jayantrao Ganpat (West Khandesh—Reserved—Sch. Tribes).

Natesan, Shri P. (Tiruvallur).

Nathani, Shri Hari Ram (Bhilwara).

Nathwani, Shri Narendra P. (Sorath).

Nayar, Shrimati Shakuntala (Gonda Distt.—West).

Nayar, Shri V. P. (Chirayinkil).

Nehru, Shri Jawaharlal (Allahabad Distt.—East *cum* Jaunpur Distt.—West).

Nehru, Shrimati Shivrajvati (Lucknow Distt.—Central).

Nehru, Shrimati Uma (Sitapur Distt. *cum* Kheri Distt.—West).

Nesamony, Shri A. (Nagercoil).

Neswi, Shri T. R. (Dharwar—South).

Nevatia, Shri R. P. (Shahjahanpur Distt.—North *cum* Kheri—East).

Nijalingappa, Shri S. (Chitaldrug).

P

Palchoudhury, Shrimati Ila (Nabadwip).

Pande, Shri C. D. (Naini Tal Distt. *cum* Almora Distt.—South-West *cum* Bareilly Distt.—North).

P—*contd*,

Pandey, Dr. Natabar (Sambalpur).

Pannalal, Shri (Faizabad Distt.—North-West—Reserved—Sch. Castes).

Paragi Lal, Chaudhari (Sitapur Distt cum Kheri Distt.—West—Reserved —Sch. Castes).

Paranjpe, Shri R. G. (Bhir)

Parekh, Dr. Jayantilal Narvaram (Zalawad).

Parikh, Shri Shantilal Girdharilal (Mehsana East).

Parmar, Shri Rupaji Bhavji (Panch Mahals cum Baroda East—Reserved —Sch. Tribes).

Pataskar, Shri Hari Vinayak (Jalgaon).

Patel, Shri Bahadurbhai Kunthabhai (Surat—Reserved—Sch. Tribes).

Patel, Shrimati Maniben Vallabhbhai (Kaira—South).

Patel, Shri Rajeshwar (Muzaffarpur cum Darbhanga).

Pateria, Shri Sushil Kumar (Jabalpur North).

Patil, Shri P. R. Kanavade (Ahmednagar North).

Patil, Shri S. K. (Bombay City-South).

Patil, Shri Shankargauda Veeranagauda (Belgaum South).

Patnaik Shri Uma Charan (Ghumsur).

Pawar, Shri Vyankatrao Pirajirao (South Satara).

Pillai, Shri P. T. Thanu (Tirunelveli).

Pocker Saheb, Shri B. (Malappuram).

Prabhakar, Shri Naval (Outer Delhi —Reserved—Sch. Castes).

Punnoose, Shri P. T. (Alleppey).

R

Rachiah, Shri N. (Mysore—Reserved—Sch. Castes).

Radha Raman, Shri (Delhi City).

Raghavachari, Shri K. S. (Penukonda).

Raghavaiah, Shri Pisupati Venkata (Ongole).

Raghubir Singh, Choudhary (Agra Distt.—East).

Raghunath Singh, Shri (Banaras Distt. —Central).

Raghuramaiah, Shri Kotha (Tenali).

Raiji, Shrimati Jayashri (Bombay—Suburban).

Raj Bahadur, Shri (Jaipur-Sawai Madhopur).

Rajabhoj, Shri P. N. (Sholapur—Reserved—Sch. Castes).

Ramachander, Dr. D. (Vellore).

Ramasami, Shri M. D. (Arruppukkottai).

Ramaseshaiah, Shri N. (Parvathipuram).

Ramaswamy, Shri P. (Mahbubnagar—Reserved—Sch. Castes).

Ramaswamy, Shri S. V. (Salem).

Ram Dass, Shri (Hoshiarpur—Reserved —Sch. Castes).

Ram Nagina Singh, Shri (Ghazipur Distt.—East cum Ballia Distt.—South West).

Ramnarayan Singh, Babu (Hazaribagh West).

Ram Saran, Shri (Moradabad Distt.—West).

Ram Shankar Lal, Shri (Basti Distt.—Central-East cum Gorakhpur Distt.—West).

Ram Subhag Singh, Dr. (Shahabad South).

Ranbir Singh, Ch. (Rohtak).

Randaman Singh, Shri (Shahdol-Sidhi—Reserved—Sch. Tribes).

Rane, Shri Shivram Rango (Bhusaval).

Ranjit Singh, Shri (Sangrur).

R—contd.

Rao, Dr. Ch. V. Rama (Kakinada).

Rao, Shri B. Rajagopala (Srikakulam).

Rao, Shri B. Shiva (South Kanara—South).

Rao, Shri Kadyala Gopala (Gudivada).

Rao, Shri Kanety Mohana (Rajahmundry—Reserved—Sch. Castes).

Rao, Shri Kondru Subba (Eluru—Reserved—Sch. Castes).

Rao, Shri Pendyal Raghava (Warangal).

Rao, Shri P. Subba (Nowrangpur).

Rao, Shri Rayasam Seshagiri (Nandyal).

Rao, Shri T. B. Vittal (Khammam).

Raut, Shri Bhola (Saran cum Champaran—Reserved—Sch. Castes).

Ray, Shri Birakisor (Cuttack).

Razmi, Shri Said Ullah Khan (Senore).

Reddi, Shri B. Ramachandra (Nellore).

Reddi, Shri C. Madhao (Adilabad).

Reddi, Shri, Y. Eswara (Cuddapah).

Reddy, Shri Baddam Yella (Karimnagar).

Reddy, Shri K. Janardhan (Mahbubnagar).

Reddy, Shri Ravi Narayan (Nalgonda).

Reddy, Shri T. N. Vishwanatha (Chittoor).

Richardson, Bishop John (Nominated—Andaman and Nicobar Islands).

Rishang Keishing, Shri (Outer Manipur—Reserved—Sch. Tribes).

Roy, Dr. Satyaban (Uluberia).

Roy, Shri Bishwa Nath (Deoria Distt.—West).

Rup Narain, Shri (Mirzapur Distt. cum Banaras Distt.—West—Reserved—Sch. Castes).

S

Saha, Shri Meghnad (Calcutta—North-West).

Sahai, Shri Raghubir (Etah Distt.—North-East cum Budaun Distt.—East).

Sahaya, Shri Syamnandan (Muzaffarpur Central).

Sahu, Shri Bhagabat (Balasore).

Sahu, Shri Rameshwar (Muzaffarpur cum Darbhanga—Reserved—Sch. Castes).

Saigal, Sardar Amar Singh (Bilaspur).

Saksena, Shri Mohanlal (Lucknow Distt. cum Bara Banki Distt.).

Saksena, Shri Shibban Lal (Gorakhpur Distt.—North).

Samanta, Shri Satis Chandra (Tamluk).

Sanganna, Shri T. (Rayagada-Phulbani—Reserved—Sch. Tribes).

Sankarapandian, Shri M. (Sankaranayinarkovil).

Sarmah, Shri Debeswar (Golaghat-Jorhat).

Satish Chandra, Shri (Bareilly Distt. South).

Satyawadi, Dr. Virendra Kumar (Karnal—Reserved—Sch. Castes).

Sen, Shrimati Sushama (Bhagalpur South).

Sen, Shri Phani Gopal (Purnea Central).

Sen, Shri Raj Chandra (Kotah-Bundi).

Sewal, Shri A. R. (Chamba-Sirmur).

Shah, Her Highness Rajmata Kamalendu Mati (Garhwal Distt.—West cum Tehri Garhwal Distt. cum Bijnor Distt.—North).

Shah, Shri Chimanlal Chakubhai (Gohilwad-Sorath).

Shah, Shri Raichand Bhai N. (Chhindwara).

Sharma, Pandit Balkrishna (Kanpur Distt.—South cum Etawah Distt.—East).

S—*contd.*

Sharma, Pandit Krishna Chandra (Meerut Distt.—South).

Sharma, Shri Diwan Chand (Hoshiarpur).

Sharma, Shri Khushi Ram (Meerut Distt.—West).

Sharma, Shri Nand Lal (Sikar).

Sharma, Shri Radha Charan (Morena-Bhind).

Shastri, Pandit Algu Rai (Azamgarh Distt.—East *cum* Ballia Distt.—West).

Shastri, Shri Bhagwandutt (Shahdol-Sidhi).

Shastri, Shri Raja Ram (Kanpur Distt.—Central).

Shastri, Swami Ramanand (Unnao Distt. *cum* Rae Bareli Distt.—West *cum* Hardoi Distt.—South East—Reserved—Sch. Castes).

Shivananjappa, Shri M. K. (Mandya)

Shobha Ram, Shri (Alwar).

Shriman Narayan, Shri (Wardha).

Shukla, Pandit Bhagwaticharan (Durg-Bastar).

Siddananjappa, Shri H. (Hassan Chikmagalur).

Singhal, Shri Shri Chand (Aligarh Distt.).

Sinha, Dr. Satyanarain (Saran East).

Sinha, Shri Anirudha (Darbhanga East)

Sinha, Shri Awadheshwar Prasad (Muzaffarpur East).

Sinha, Shri Banarsi Prasad (Monghyr Sadr *cum* Jamui).

Sinha, Shri Gajendra Prasad (Palamau *cum* Hazaribagh *cum* Ranchi).

Sinha, Shri Jhulan (Saran—North).

Sinha, Thakur Jugal Kishore (Muzaffarpur—North West).

Sinha, Shri Kailash Pati (Patna Central).

Sinha, Shri Nageshwar Prasad (Hazaribagh East).

Sinha, Shri S. (Patalliputra).

Sinha, Shri Satya Narayan (Samastipur—East).

Sinha, Shri Satyendra Narayan (Gaya—West).

Sinha, Shrimati Tarkeshwari (Patna—East).

Sinhasan Singh, Shri (Gorakhpur Distt.—South).

Siva, Dr. M. V. Gangadhara (Chittoor—Reserved—Sch. Castes).

Snatak, Shri Nardeo (Aligarh Distt.—Reserved—Sch. Castes).

Sodhia, Shri Khub Chand (Sagar).

Sofi, Shri Mohd. Akbar (Jammu and Kashmir).

Somana, Shri N. (Coorg).

Somani, Shri G. D. (Nagaur-Pali).

Subrahmanyam, Shri Kandala (Vizianagaram).

Subrahmanyam, Shri Tekur (Bellary).

Sunder Lall, Shri (Saharanpur Distt.—West *cum* Muzaffarnagar Distt.—North—Reserved—Sch. Castes).

Suresh Chandra, Dr. (Aurangabad).

Suriya Prashad, Shri (Morena-Bhind—Reserved—Sch. Castes).

Swaminadhan, Shrimati Ammu (Dindigul).

Swami, Shri Sivamurthi (Kushtagi).

Syed Mahmud, Dr. (Champaran—East).

T

Talib, Shri Piare Lal Kureel (Banda Distt. *cum* Fatehpur Distt.—Reserved—Sch. Castes).

Tandon, Shri Purushottamdas [Allahabad Distt. (West)].

Tek Chand, Shri (Ambala-Simla).

Telkikar, Shri Shankar Rao (Nanded).

Tewari, Sardar Raj Bhanu Singh (Rewa).

Thimmaiah, Shri Dodda (Kolar—Reserved—Sch. Castes).

Thirani, Shri G. D. (Bargarh).

Thirukuralar, Shri V. Muniswamy Avl. (Tindivanam).

T— *contd.*

Thomas, Shri A. M. (Ernakulam).

Thomas, Shri A. V. (Srivaikuntam)

Tirtha, Swami Ramananda (Gulberga).

Tivary, Shri Venkatesh Narayan (Kanpur Distt.—North cum Farrukhabad Distt.—South).

Tiwari, Pandit B. L. (Nimar).

Tiwari, Sari Ram Sahai (Chhatarpur-Datia-Tikamgarh).

Tiwary, Pandit Dwarka Nath (Saran South).

Tribhuan Narayan Singh, Shri (Banaras Distt.—East).

Tripathi, Shri Hira Vallabh (Muzaffarnagar Distt.—South).

Tripathi, Shri Kamakhya Prasad (Darrang).

Tripathi, Shri Vishwambhar Dayal (Unnao Distt. cum Rae Bareli Distt —West cum Hardoi Distt.—South East).

Trivedi, Shri Umashanker Muljibhai (Chittor).

Tulsidas Kilachand, Shri (Mehsana West).

Tyagi, Shri Mahavir (Dehra Dun Distt. cum Bijnor Distt.—North West cum Saharanpur Distt.—West).

U

Ukey, Shri M. G. (Mandla-Jabalpur—South—Reserved—Sch. Tribes).

Upadhyay, Pandit Munishwar Dutt (Pratapgarh Distt.—East).

Upadhyaya, Shri Shiva Datt (Satna).

Upadhyay, Shri Shiva Dayal (Banda Distt. cum Fatehpur Distt.).

V

Vaishnav, Shri Hanamantrao Ganeshrao (Ambad).

Vaishya, Shri Muldas Bhuderdas (Ahmedabad—Reserved—Sch. Castes).

Vallatharas, Shri K. M. (Pudukkottai).

Varma, Shri B. B. (Champaran North).

Verma, Shri Bulaqi Ram (Hardoi Distt.—North-West cum Farrukhabad Distt.—East cum Shahjahanpur Distt. — South — Reserved — Sch. Castes).

Veeraswamy, Shri V. (Mayuram—Reserved—Sch. Castes).

Velayudhan, Shri R. (Quilon cum Mavelikkara — Reserved — Sch. Castes).

Venkataraman, Shri R. (Tanjore).

Varma, Shri Manik Lal (Tonk).

Verma, Shri Ramji (Deoria Distt.-East).

Vidyalankar, Shri Amarnath (Jullundur).

Vishwanath Prasad, Shri (Azamgarh Distt.—West—Reserved—Sch. Castes).

Vyas, Shri Radhelal (Ujjain)

W

Waghmare, Shri Narayan Rao (Parbhani).

Wilson, Shri J. N. (Mirzapur Distt cum Banaras Distt.—West).

Wodeyar, Shri K. G. (Shimoga).

Z

Zaidi, Col. B. H. (Hardoi Distt.—North-West cum Farrukhabad Distt. —East cum Shahjahanpur Distt. —South).

LOK SABHA

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Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

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Shri Upendranath Barman
Shri Frank Anthony.
Shrimati Renu Chakravartty.
Shrimati Sushama Sen.

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Shri M. N. Kaul, Barrister-at-Law.

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Shri Nageshwar Prasad Sinha.
Shri Purnendu Sekhar Naskar.
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Shri Paidi Lakshmayya.
Shri Mahendra Nath Singh.
Shri Shivram Rango Rane.
Shri Fulsinhji B. Dabhi.
Shri Bhagwat Jha 'Azad'.
Shri Ram Dass.
Shri U. M. Trivedi.
Her Highness Rajmata Kamlendu Mati Shah.
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Shri Anirudha Sinha.
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Shrimati Tarkeshwari Sinha.
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Sardar Iqbal Singh.
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Shri Bhupendra Nath Misra.
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Shri R. V. Dhulekar.
Shri Anirudha Sinha.
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Shri Kamal Kumar Basu.
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Shri Liladhar Joshi.
Shri U. R. Bogawat.
Shri Jethalal Harikrishna Joshi.
Shri Ramraj Jajware.
Shri Resham Lal Jangde.
Shri P. N. Rajabhoj.
Shri P. Subba Rao.
Shri Anandchand.
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Shri Ganesh Sadashiv Altekar.
Shri Goswamiraja Sahdeo Bharati.
Shri Narendra P. Nathwani.
Shri Daulat Mal Bhandari.
Shrimati Ila Palchoudhury.
Shri N. Rachiah.
Dr. Natabar Pandey.
Shri Bhawani Singh.
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Shri Hanamantrao Ganeshrao Vaishnav.
Shri Tek Chand.
Shri Ganpati Ram.
Shri Nandlal Joshi.
Shri Diwan Chand Sharma.
Shri Hem Raj.
Shri H. Siddananjappa.
Dr. A. Krishnaswami.
Shri Tulsidas Kilachand.
Shri Hirendra Nath Mukerjee.
Shri M. S. Gurupadaswamy.

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Pandit Thakur Das Bhargava.
Shri Satya Narayan Sinha.
Shri N. Keshavalengar
Shri Shivram Rango Rane.
Shri Ghamandi Lal Bansal.
Shri Khushi Ram Sharma.
Shri Kotha Raghuramaiah.
Shri Satis Chandra Samanta.
Dr. N. M. Jaisoorya.
Shri N. C. Chatterjee.
Shri Bhawani Singh.
Shri Kamal Kumar Basu.
Shri K. S. Raghavachari.

GOVERNMENT OF INDIA

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Minister of Education and Natural Resources and Scientific Research—Maulana Abul Kalam Azad.

Minister of Home Affairs—Pandit Govind Ballabh Pant.

Minister of Communications—Shri Jagjivan Ram.

Minister of Health—Rajkumari Amrit Kaur.

Minister of Finance—Shri C. D. Deshmukh.

Minister of Planning and Irrigation and Power—Shri Gulzarilal Nanda.

Minister of Defence—Dr. Kailas Nath Katju.

Minister of Commerce and Industry and Iron and Steel—Shri T. T. Krishnamachari.

Minister of Law and Minority Affairs—Shri C. C. Biswas.

Minister of Railways and Transport—Shri Lal Bahadur Shastri.

Minister of Works, Housing and Supply—Sardar Swaran Singh.

Minister of Production—Shri K. C. Reddy.

Minister of Food and Agriculture—Shri Ajit Prasad Jain.

Minister of Labour—Shri Khandubhai Desai.

Ministers of Cabinet Rank (but not members of the Cabinet)

Minister of Parliamentary Affairs—Shri Satya Narayan Sinha.

Minister of Defence Organisation—Shri Mahavir Tyagi.

Minister of Information and Broadcasting—Dr. B. V. Keskar.

Minister of Commerce—Shri D. P. Karmarkar.

Minister of Agriculture—Dr. Panjabrao S. Deshmukh.

Minister in the Ministry of External Affairs—Dr. Syed Mahmud.

Minister in the Ministry of Law—Shri Hari Vinayak Pataskar.

Minister for Natural Resources—Shri K. D. Malaviya.

Minister of Revenue and Civil Expenditure—Shri M. C. Shah.

Minister of Revenue and Defence Expenditure—Shri Arun Chandra Guha.

Minister of Rehabilitation—Shri Mehr Chand Khanna.

Deputy Ministers

Deputy Minister of Communications—Shri Raj Bahadur.

Deputy Minister of Defence—Sardar S. S. Majithia.

Deputy Minister of Home Affairs—Shri B. N. Datar.

Deputy Minister of Labour—Shri Abid Ali.

Deputy Minister of Rehabilitation—Shri J. K. Bhonsle.

Deputy Minister of Railways and Transport—Shri O. V. Alagesan.

Deputy Minister of Health—Shrimati M. Chandrasekhar.

Deputy Minister of External Affairs—Shri Anil Kumar Chanda.

Deputy Minister of Food and Agriculture—Shri M. V. Krishnappa.

Deputy Minister of Irrigation and Power—Shri Jaisukhlal Hathi.

Deputy Minister of Production—Shri Satish Chandra.

Deputy Minister of Planning—Shri Shyam Nandan Mishra.

Deputy Minister of Commerce and Industry—Shri Nityanand Kanungo.

Deputy Minister of Education—Dr. K. L. Shrimali.

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Parliamentary Secretary to the Minister of Railways and Transport—Shri Shahnawaz Khan.

Parliamentary Secretary to the Minister of External Affairs—Shri Jogendra Nath Hazarika.

Parliamentary Secretary to the Minister of Finance—Shri B. R. Bhagat.

Parliamentary Secretary to the Minister of Production—Shri Rajaram Giridharlal Dubey.

Parliamentary Secretary to the Minister of External Affairs—Shri Sadath Ali Khan.

Parliamentary Secretary to the Minister of Information and Broadcasting—Shri G. Rajagopalan.

Parliamentary Secretary to the Minister of Education—Dr. Mono Mohon Das.

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

Vol. V—First day of the Tenth Session of First Parliament of India No. I

LOK SABHA

Monday, 25th July, 1955.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER (SHRI G. V. MAVALANKAR) *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

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12 NOON.

MOTION FOR ADJOURNMENT

FLOODS IN UTTAR PRADESH

Mr. Speaker: I have received notice of a rather long adjournment motion which relates to the following question:

> "Failure of the Ministry of Irrigation and Power of the Government of India to take any flood protection measures and to adopt and execute plans to train and control the rivers Tapti and Ghaghra, which inundate vast areas of land year after year and have this year already flooded large parts of Gorakhpur, Deoria, Azamgarh, Basti, Behraich, Gonda and Fyzabad districts of Eastern U.P. and have caused terrible havoc and huge loss of crops, cattle and property and untold misery to nearly twenty millions of people of these districts."

The subject is undoubtedly important but I do not see how it can come by way of an adjournment motion. If the failure is there it has been continuous for a large number of years, not on the part of this Government but its predecessors and therefore I do not see how it can be called to be an urgent matter within the meaning of the term 'urgent' as understood with reference to an adjournment motion. I am prepared to hear the hon. Member if he wants to say anything.

Shri S. L. Saksena (Gorakhpur Distt.—North): Every year when floods occur debates are held and promises are made that steps would be taken to prevent these floods. In fact last year both in the Parliament as well as in the U.P. State Legislature, promises were made that a team would be sent to China to study the technique adopted there for flood control of River Huai in that country and immediate and short term measures and long range schemes will be devised to cope with the floods in East U.P. Nothing has happened so far although a whole year has passed since then. There is not even a plan in the Second Five Year Plan to train and control these rivers. So, I want to know if anything has been done so far or whether any measures will be taken to control these floods and to train and control these rivers.

Mr. Speaker: May I know if the hon. Minister has to say something on this?

The Minister of Planning and Irrigation and Power (Shri Nanda): In the first place, I may submit that I got intimation of this only after I entered the House and therefore, I cannot be expected to have all the

[Shri Nanda]

information on the subject. As you, Sir, rightly pointed out, it is a matter to be dealt with by the State and we have helped to the extent possible. We have tried to provide all the finance that was required. We assisted in setting up a suitable organisation—the State Flood Control Board. We set up a Commission for that area—Ganga River Commission—and there is a Central Flood Control Board. All the funds that were required for this season had been supplied. Of course, the flood control and protection measures cannot be carried out in one season. Therefore, it may be that some havoc had occurred. I will get more information if the hon. Member wants.

Mr. Speaker: The hon. Member may seek some other way of discussing this question in this House. I cannot give my consent for an adjournment motion of this kind.

DEATHS OF SHRI N. M. JOSHI AND SHRI PATIRAM ROY

Mr. Speaker: I have to inform the House of the very sad demise of two of our friends, namely, Shri N. M. Joshi and Shri Patiram Roy. Shri N. M. Joshi was well known to all of us and personally I knew him as one of the foremost nationalist workers from 1915 onwards and as one of the members of the Servants of India Society. His special interest during his latter years was labour. He was a man of sterling character and independence. Though he was coming to the Central Legislature as a nominated member he mostly voted against the Government which nominated him when he was convinced that the Government was not doing the proper thing. He was a man of that character.

Shri Patiram Roy was a sitting Member of the House and he passed away on the 14th July 1955 at the Willingdon Nursing Home in New Delhi. He died at the comparatively early age of 55. He was a member of the Bengal Legislative Assembly from 1937 to 1946 and a member of the Bengal Legislative Council in 1946-47.

We mourn the loss of these friends and I am sure the House will join me in conveying our condolences to their families. The House may stand in silence for a minute to express its sorrow.

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I have to inform the House that the following Bills, which were passed by the Houses of Parliament during the Ninth Session, were assented to by the President during the intervening period:

1. The Constitution (Fourth Amendment) Bill, 1954.

2. The Medicinal and Toilet Preparations (Excise Duties) Bill, 1954.

3. The Indian Railways (Amendment) Bill, 1955.

4. The Insurance (Amendment) Bill, 1955.

5. The Commanders-in-Chief (Change in Designation) Bill, 1955.

6. The Hyderabad Export Duties (Validation) Bill, 1955.

7. The Sea Customs (Amendment) Bill, 1954.

8. The Untouchability (Offences) Bill, 1954.

9. The State Bank of India Bill, 1955.

10. The Reserve Bank of India (Amendment) Bill, 1955.

11. The Hindu Marriage Bill, 1954.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER INDIAN AIRCRAFT ACT

The Minister of Communications (Shri Jagjivan Ram): I beg to lay on the Table a copy of the Notification No. AR/1937(2) dated the 2nd April, 1955 together with an Explanatory Note, under sub-section (3) of section 5 of the Indian Aircraft Act, 1934. [*Placed in Library. See* No. S-191/55.]

CENTRAL SILK BOARD RULES

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): I beg to lay on the Table, under sub-section (3) of section 13 of the Central Silk Board Act, 1948, a copy of the Central Silk Board Rules, 1955 published in the Ministry of Commerce and Industry Notification No. S.R.O. 662, dated the 23rd March 1955. [*Placed in Library. See* No. S-192/55.]

ORDINANCES PROMULGATED AFTER TERMINATION OF NINTH SESSION

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table, under the provisions of Article 123(2)(a) of the Constitution, a copy of each of the following Ordinances promulgated by the President after the termination of the Ninth Session of the Houses of Parliament:

(1) The Abducted Persons (Recovery and Restoration) Continuance Ordinance, 1955 (No. 2 of 1955). [*Placed in Library. See* No. S-193/55.]

(2) The Industrial Disputes (Appellate Tribunal) Amendment Ordinance, 1955 (No. 3 of 1955). [*Placed in Library. See* No. S-194/55.]

(3) The State Bank of India (Amendment) Ordinance 1955 (No. 4 of 1955). [*Placed in Library. See* No. S-195/55.]

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

Shri Satya Narayan Sinha: I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various Sessions shown against each:

(1) Supplementary Statement No. III, Ninth Session, 1955 of Lok Sabha. [*See* Appendix II, annexure No. 1]

(2) Supplementary Statement No. VII, Eighth Session, 1954 of Lok Sabha. [*See* Appendix II, annexure No. 2]

(3) Supplementary Statement No. XI.—Seventh Session, 1954 of Lok Sabha. [*See* Appendix II, annexure No. 3]

(4) Supplementary Statement No. XVII.—Sixth Session, 1954 of Lok Sabha. [*See* Appendix II, annexure No. 4]

(5) Supplementary Statement No. XXII.—Fifth Session, 1953 of Lok Sabha. [*See* Appendix II, annexure No. 5]

(6) Supplementary Statement No. XXVII.—Fourth Session, 1953 of Lok Sabha. [*See* Appendix II, annexure No. 6]

(7) Supplementary Statement No. XXXII.—Third Session, 1953 of Lok Sabha. [*See* Appendix II, annexure No. 7]

(8) Supplementary Statement No. XXX.—Second Session, 1952 of Lok Sabha. [*See* Appendix II, annexure No. 8]

(9) Supplementary Statement No. XXXI 1st Session, 1952 of Lok Sabha (*See* Appendix II, annexure No. 9).

REPORT ON THE FIRST GENERAL ELECTIONS, VOL. II

The Minister in the Ministry of Law (Shri Pataskar): I beg to lay on the Table a copy of the Report on the First General Elections in India, 1951-52

[Shri Pataskar]

(Volume II—Statistical). [*Placed in Library. See* No. S-205/55.]

Shri Kamath (Hoshangabad): What about Volume I?

Shri Pataskar: Volume I was presented sometime back. Probably the hon. Member was not here then.

An Hon. Member: He was not elected then.

STATEMENT SHOWING PROGRESS OF ACTION, TAKEN UNDER INDIAN INCOME-TAX ACT.

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to lay on the Table a copy of the statement showing progress of action, upto 31st May, 1955, in cases dealt with under Section 34(1A) of the Indian Income-Tax Act, 1922, in pursuance of an assurance given on the 18th September, 1954 during the discussion on the Indian Income-Tax (Amendment) Bill, 1954. [*See* Appendix I, annexure No. 15.]

MINISTRY OF FINANCE RESOLUTION ON RECOMMENDATIONS OF ENQUIRY COMMITTEE ON SODEPORE GLASS WORKS.

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to lay on the Table a copy of the Ministry of Finance Resolution No. 2(34)-F.III/55, dated the 4th June, 1955 embodying Government decisions on the recommendations of the Enquiry Committee relating to the Sodepore Glass Works. [*Placed in Library. See* No. S-207/55.]

NOTIFICATIONS UNDER SEA CUSTOMS ACT

Shri A. C. Guha: I beg to lay on the Table a copy of each of the following Customs Notifications, under sub-section (4) of section 43B of the Sea Customs Act, 1878 as inserted by the Sea Customs (Amendment) Act, 1953:

(i) Notification No. 53, dated the 2nd April, 1955.

(ii) Notification No. 54, dated the 2nd April, 1955.

(iii) Notification No. 58, dated the 9th April, 1955.

(iv) Notification No. 59, dated the 9th April, 1955.

(v) Notification No. 78, dated the 7th May, 1955.

(vi) Notification No. 79, dated the 7th May, 1955. [*Placed in Library. See* No. S-208/55.]

NOTIFICATIONS UNDER CENTRAL EXCISES AND SALTS ACT

Shri A. C. Guha: I beg to lay on the Table a copy of each of the following Central Excises Notifications under section 38 of the Central Excises and Salt Act, 1944:

(i) Notification No. 25, dated the 14th May, 1955.

(ii) Notification No. 27, dated the 18th May, 1955.

(iii) Notification No. 31, dated the 18th June, 1955.

(iv) Notification No. 32, dated the 2nd July, 1955. [*Placed in Library. See* No. S-209/55.]

REPORT AND STATEMENTS OF THE REHABILITATION FINANCE ADMINISTRATION.

Shri A. C. Guha: I beg to lay on the Table a copy of each of the following papers under sub-section (2) of section 18 of the Rehabilitation Finance Administration Act, 1948:

(i) Report of the Rehabilitation Finance Administration for the half year ended the 31st December, 1954.

(ii) Analysis of Charges for the year ended the 31st December, 1954.

(iii) Statement of loans called up during the year 1954.

(iv) Summary of Statement of overdue instalments for the period ended the 31st December, 1954. [*Placed in Library. See* No. S-210/55.]

CORRECTION OF ANSWERS TO STARRED QUESTIONS

The Deputy Minister of Irrigation and Power (Shri Hathi): Sir, with your permission, I wish to make a correction to reply given by me on the 16th March, 1955 to part (b) of Starred Question No. 1086 by Dr. Ram Subhag Singh. I stated earlier that the concreting work on Bhakra Dam was likely to be started in June, 1955. The correct answer to part (b) should be "During November, 1955".

Shri Kamath (Hoshangabad): May I ask on a point of information, was any attempt made to ascertain who was responsible for the wrong statement?

Shri Hathi: Enquiries were made and it was learnt that the work was to commence in November and not in June.

Shri Kamath: Who was responsible.....

Mr. Speaker: Order, order. There is no occasion for a discussion on that point.

SITUATION IN GOA

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg leave, Sir, to make a statement in regard to the situation in Goa.

This House and all our countrymen are deeply interested in the problem of the Portuguese enclaves in India. Because of this and the importance of the problem, I have from time to time kept this House informed of developments there and of the policy that Government was pursuing. On the 4th of May last, in a statement in the Lok Sabha, I expressed our concern at some recent developments in Goa which indicated a deepening of the crisis there. During the past two months, there have been further grave developments which have caused anxiety and aroused intense feeling throughout India as well as in Goa.

I should like to remind the House that the struggle of the Goans for freedom and for integration with the Union of India is not a new development. It dates back a considerable time. More particularly, in 1946, the prospect of India becoming independent soon naturally brought hope to the Goans, and they made an attempt to free themselves. This attempt failed. Ever since then, there has been a continuing agitation in Goa, and many Goan patriots have suffered because of this. Eminent citizens have been sentenced to long terms of imprisonment or deported. Even an expression of opinion in favour of integration with India or a verbal protest has led to imprisonment, loss of civil rights and sometimes deportation. There is a complete absence of civil rights in Goa, and the normal methods of constitutional agitation are forbidden and suppressed. Nevertheless, the movement for Goan freedom from Portuguese rule has continued. The Portuguese Government has often stated that there is no political movement inside Goa. This is a manifestly wrong statement.

About a year ago, the agitation in Goa became more vigorous and demonstrative. This led to greater repression by the Portuguese authorities. A new turn was given to the movement then by Goans within Goa as well as outside performing some form of satyagraha. This was largely confined to Goans though, occasionally, non-Goans also participated.

Government was anxious that this problem should be settled peacefully and if possible by negotiations with the Portuguese Government. This was the policy Government had adopted both in regard to the French settlements and the Portuguese settlements in India. As the House knows, this policy met with success in regard to the French settlements and an agreement was arrived at with the French Government. In regard to Goa, however, the Portuguese Government have consistently refused to have negotiations or even to discuss this matter. On some occasions, the Government of India's notes addressed to the Portuguese Government have not been accepted by them. Nevertheless, it was the firm policy of Government to pursue peaceful methods only.

[Shri Jawaharlal Nehru]

When satyagraha started within Goa as well as outside, Government had to give careful thought to this new development. In regard to satyagraha inside Goa, the Government of India naturally had no concern. Regarding the entry of satyagrahis into the Portuguese territories, the Government of India's attitude has been to discourage non-Goans from participating in the satyagraha. They also do not look with favour on any mass entry of satyagrahis. In August 1954, a serious situation had arisen but any crisis was avoided because of this policy of Government and the co-operation that people generally gave to it.

Satyagraha, however, has continued ever since then from time to time. On the 18th May, a group of peaceful satyagrahis under the leadership of Shri Goray entered Goa. The Portuguese authorities opened fire on these peaceful men, injuring four of them and later severely beating and manhandling them. Shri Goray and the injured satyagrahis were kept in police custody while the others were pushed out into Indian territory.

Since the 18th May, twelve more groups of peaceful satyagrahis have entered the territory of Goa. These satyagrahis have been treated with considerable brutality. They have been assaulted and beaten till some of them have lost consciousness. It is reported that some of these persons were trampled upon after they had fallen down.

One of the injured satyagrahis, Shri Amir Chand Gupta, was put back into Indian territory in an unconscious state and succumbed to his injuries. Many others were admitted into hospital, suffering from compound fractures and other serious injuries. Another group of satyagrahis led by Shri Jagannath Rao Joshi, on the 25th June, was also fired upon, resulting in injuries to two satyagrahis.

It is reported that another person Shri Maparia, Goan, who was not a satyagrahi, also met his death because of the severe beating he had received.

Since May last, about eight hundred satyagrahis have entered Goa in different groups and at different times. Of these, nine have been detained and the others have been thrust back into Indian territory often after a beating. Among those detained are Shri N. C. Goray, Shri S. P. Limaye and a Member of this House, Shri Tridib Kumar Chaudhuri.

Some of those in custody have been brought for trial before a local military tribunal. Up till now, so far as our information goes, 122 Goans, most of whom are resident in Goa itself, have been sentenced to terms of rigorous imprisonment ranging from one to twenty-eight years. They have been denied the status of political prisoners and are being treated as common criminals. Thirteen Indians have also been sentenced to terms of imprisonment of eight to nine years.

According to our information, the satyagraha conducted chiefly by Goans as well as some Indians, has been completely peaceful. But some violent acts have been reported as having occurred inside Goa. The Portuguese authorities have stated that these violent activities have been carried out by Indians and by armed personnel from India. This is completely untrue. The satyagrahis have no connection with this and no armed personnel of India has crossed the border. These petty acts of violence are apparently done by some odd individuals within Goa itself as a result of desperation following the repressive policy of the Portuguese Government.

The Portuguese Government have repeatedly stated, firstly, that there is no movement inside Goa and, secondly, that such as there is is not indigenous and is organised and initiated in India. While it is true that in recent months some Indians have participated in the satyagraha, the movement has been essentially a Goan movement. This is borne out by the

fact that in the course of last year about 2,500 Goans have been arrested and subjected to great physical and mental suffering. Even now, about 450 Goans are still in custody.

The Portuguese Government in their propaganda in Goa and abroad, have laid repeated stress on the religious and cultural aspect of the problem. Their claim is that Goa is a part of Portugal, a claim which is manifestly absurd.

According to Portuguese official statistics published in 1951, out of a total population of 6,38,000 in the Portuguese enclaves, all but 1,438 persons are of purely Indian origin. These are hardly distinguishable in language, customs and manners from their brethren across the border. Sixty-one per cent. of the population profess the Hindu faith and about thirty-seven per cent. are Christian Catholics. There are also some Muslims. Only a small percentage of the total population can read and write Portuguese, while the common languages are Marathi, Konkani and Gujrati.

No religious or cultural question arises in Goa. It is well-known that there are many millions of Christians who are nationals of India, most of them being Catholics. It has also been repeatedly stated by Government that the religion, customs and languages of the people of Goa will be respected and protected.

The Government of India had opened a Legation in Lisbon in the hope that this might help in bringing about direct negotiations with the Portuguese Government over the question of Goa. But, on the continued refusal of the Portuguese Government even to discuss this question, the Government of India felt that there was no advantage in keeping the Mission which had ceased to be of practical utility. The Government, therefore, withdrew their representative from Lisbon in July, 1953 and closed their Legation there. Even so, the Government of India hoped that it might be possible to achieve a negotiated settlement by peaceful means and they took no steps for the closure of the Portuguese Legation in Delhi, which has continued to function here. A proposal was made last year for representatives of the two Governments to meet together without any prior commitments. Even this was rejected by the Portuguese Government. In view of this as well as because of recent developments, the Government of India have come to the conclusion that the continued functioning of the Portuguese Legation in Delhi, in existing circumstances, serves no useful purpose. They have accordingly decided to ask for the closure of this Legation. A note to this effect was personally given this morning by the Foreign Secretary to the Portuguese *Charge d'Affaires*. The closure of the Legation will take effect from the 8th August, 1955.

As will be evident, the Government of India have exercised the utmost patience and restraint in dealing with the situation in Goa, in spite of the strong and natural feelings of the people of India and Goa. In accordance with their general policy, they will continue to seek a peaceful settlement and will welcome negotiations with the Portuguese Government. No one who knows anything about the past history of Goa and India, the geographical and cultural affinities, and the wishes of the people of Goa and India, can doubt that Goa is an integral part of India and must inevitably become a part of the Indian Union, while preserving its cultural and other interests in accordance with the wishes of the people there. The Government of India hope that, in spite of all that has happened, the Portuguese Government will reconsider their policy and will make a friendly response to their proposal for a negotiated settlement.

The Government of India are firmly convinced that only peaceful methods should be followed and they do not approve of any action which would encourage a resort to violence.

[Shri Jawaharlal Nehru]

There is one other matter, Sir, which I should like to mention. It really is not directly connected with the statement I have made. In this morning's newspapers Members no doubt have seen a news item to the effect that certain railway services to Goa have been suspended. That is a result of an entirely different course of events. What has happened and the position there is that in regard to the railway services the Indian Railways run the services within Goa under a contract with a British Railway which apparently deals with it on behalf of the Portuguese Government. Now, there are two ways of running this railway. There are shuttles—Indian trains—that go to the border and shuttle trains on the other side of the border which serve the other side. In addition to this, there were through-trains going. Now, it was discovered by our railway people, about two months ago or more, that in that small space between the two shuttle services some obstructions had been placed which might be in the nature of mines. The railway engineers reported this; this was on either side of the Sanvordam railway station. This matter was reported to the Portuguese authorities.

Also another odd thing happened. The permanent way staff of the railway who normally attend to the maintenance of the track were asked by the Portuguese military authorities not to attend to these tracks on this place in between. So, this matter was brought to the notice of the Portuguese authorities and they were asked to remove this interference or give an assurance that there was no danger to traffic passing over this section of the railway in Goa. Intimation was also sent to the British Railway which is supposed to be in charge of this. No reply was received within the time stated. This through-railway service has been stopped, because it passes through that little area which was supposed to be dangerous, but the shuttle services on both sides continue. That is, the Indian Railway system still runs a shuttle on the other side, and of course, on this side. It became incumbent to stop the through-services going over that part of the Goan territory which was supposed to be mined as it was dangerous to passengers and others

Shri Chattopadhyaya (Vijayavada): With your permission may I make a submission? It is going to be a very curious submission. Inspired by our Prime Minister's speech the other day, I have written a stirring poem on Goa in Hindi.

Mr. Speaker: Order, order. I know what his request is.

Shri Chattopadhyaya: I would like to recite it.

Mr. Speaker: Order, order. We do not read any poems in the House. We treat the business of the House with more seriousness and not through poems.

The House has heard the statement of the hon. Prime Minister, and I think, looking to the importance that the question has assumed in the public eye, perhaps Members of the House may like to have some discussion or debate to make some suggestion to the Government as to what they think are the steps to be taken by the Government. If the hon. Prime Minister is agreeable, we may have some time for that.

Shri Jawaharlal Nehru: Yes, Sir. We have absolutely no objection to such a discussion taking place. I am entirely in your hands in this matter.

Mr. Speaker: A day may be fixed as early as possible but that will be according to the convenience of the business; but, as the statement is made today, it is better that the discussion should follow this. We will fix up and then it may be notified in the Order Paper.

PREVENTION OF CORRUPTION (AMENDMENT) BILL

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move for leave to introduce a Bill further to amend the Prevention of Corruption Act, 1947, and to make a consequential amendment in the Criminal Law Amendment Act, 1952.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Prevention of Corruption Act, 1947, and to make a consequential amendment in the Criminal Law Amendment Act, 1952."

The motion was adopted.

Pandit G. B. Pant: I introduce the Bill.

CHARATERED ACCOUNTANTS (AMENDMENT) BILL

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to move for leave to introduce a Bill further to amend the Chartered Accountants Act, 1949.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Chartered Accountants Act, 1949."

The motion was adopted.

Shri M. C. Shah: I introduce the Bill.

HINDU SUCCESSION BILL

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Pataskar on the 5th May, 1955:

"That this House concurs in the recommendation of Rajya Sabha that the House do join the Joint Committee of the Houses on the Bill to amend and codify the law relating to intestate succession among Hindus made in the motion adopted by Rajya Sabha at its sitting held on the 25th March, 1955 and communicated to this House on the 28th March, 1955 and resolves that the following Members of Lok Sabha be nominated to serve on the said Joint Committee, namely, Shri Hari Vinayak Pataskar, Shri Satyendra Narayan Sinha, Pandit Dwarkanath Tiwary, Shrimati Tarkeshwari Sinha, Shrimati Uma Nehru, Shri Raghubar Dayal Misra, Shri Bulaqi Ram Varma, Shri Birakisor Ray, Dr. Pashupati Mandal, Shrimati Jayashri Raiji, Choudhary Raghubir Singh, Shri C. R. Basappa, Shri Rayasam Seshagiri Rao, Shri M. Muthukrishnan, Shri Khub Chand Sodhia, Shri Vaijnath Mahodaya, Dr. Devrao Namdevrao Pathrikar Kamble, Shri Dev Kanta Borooah, Sardar Iqbal Singh, Shri Bheekha Bhai, Shri M. L. Dwivedi, Shri Radha Raman, Shri Shankar Shantaram More, Shrimati Sucheta Kripalani, Shrimati Renu Chakravartty, Shri S. V. L. Narasimham, Shri Vishnu Ghanashyam Deshpande, Shri Girraj Saran Singh, Shri K. A. Damodara Menon and Shri Choithram Partabrai Gidwani."

The House is aware that this motion has remained part-discussed, part-discussed is legal phraseology; it was almost wholly discussed, only a little part remaining. Already 38 Members have taken part in the discussion and the time taken so far is 10 hours and 2 minutes on the 5th and 7th May, 1955. Therefore, if the House agrees, the discussion may conclude today at about 3 P.M. or so, when I shall call upon the Minister to reply to that debate.

I shall now call upon Shri Khushi Ram Sharma who was on his legs to continue his speech.

The Minister in the Ministry of Law (Shri Pataskar): There is a small amendment. The date fixed originally for the submission of the report by the Joint Committee was 1st August, 1955. I would like to move the following amendment:

[Shri Pataskar]

That at the end of the motion the following be added:

"This House further recommends to the Rajya Sabha that the said Joint Committee be instructed to report on or before the 9th September, 1955."

Mr. Speaker: Amendment moved:

That at the end of the motion the following be added:

"This House further recommends to the Rajya Sabha that the said Joint Committee be instructed to report on or before the 9th September, 1955."

Pandit Thakur Das Bhargava (Gurgaon): I have got an amendment to this amendment, namely that the date 9th September be substituted by the date 9th December.

I beg to move:

That in the amendment proposed by Shri Pataskar, *for* "the 9th September, 1955" *substitute* "the 9th December, 1955".

If you will allow me, I will give the reasons for this amendment.

Mr. Speaker: I will first allow Shri Khusi Ram Sharma to continue his speech.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Government wants that the discussion on Goa should be taken up tomorrow from 2-30 P.M. to 5 P.M. 2½ hours will be allotted to this discussion.

Mr. Speaker: I have no objection.

Shri V. G. Deshpande (Guna): 2½ hours will not be sufficient.

Mr. Speaker: How much time does he want?

Shri V. G. Deshpande: Five hours, that is, one full day.

Mr. Speaker: I do not know what can be discussed for five hours. Let it be provisionally 2½ hours. As the discussion proceeds, if more time is really needed, we shall see about it. For the present, let it be 2½ hours. It is the probable limit; we may exceed it by half an hour or so.

Shri Khusi Ram Sharma will now continue his speech.

श्री के० आर० शर्मा (जिला मेरठ पश्चिम) : अध्यक्ष महोदय, आज इस बात पर तो मैं समझता हूं कि सभी सहमत होंगे कि स्त्रियों को और अधिक अधिकार दिये जायं, लेकिन इस बात पर बहुत तीव्र मतभेद हैं कि उनको क्या अधिकार दिये जायें और किस तरह के स्त्रियों को सम्पत्ति में अधिकार दिये जायें ।

[MR. DEPUTY-SPEAKER *in the Chair*]

इसलिए जो मौजूदा कानून हैं, उसमें परिवर्तन करते समय हमको इस मसले पर बहुत गम्भीर विचार करना चाहिए। इस विधेयक के सम्बन्ध में और आम तौर से सामाजिक कानूनों के सम्बन्ध में मुझ को यह कहना है कि हमारे धर्म शास्त्रकारों ने जो समाज की व्यवस्था बनाई थी वह हजारों वर्ष से हमारे समाज को सुदृढ बनाये हुए हैं और बहुत से बाहरी हमलों के बाद भी उन नियमों के कारण हमारा समाज बहुत अच्छे ढंग से चलता रहा है । अब जो मौजूदा समय में कुछ परिवर्तन करने की आवश्यकता हुई है वह सब के दिमाग में है और सभी लोग यह चाहते हैं कि स्त्रियों को कुछ अधिकार दिये जायें लेकिन इस सम्बन्ध में कदम बहुत ही सोच समझ कर उठाना चाहिए । मैं यह समझता हूं कि हमारे धर्म शास्त्रकार बड़े बुद्धिमान् थे, उन्होंने जो समाज की व्यवस्था बनाई थी वह बड़ी अच्छी थी और उदाहरण के रूप में मैं यह बतलाना चाहता हूं कि जो ज्वाइंट फैमिली सिस्टम हमारे यहां बनाया गया वह बहुत ही अच्छा था और उसमें बेकारी के खिलाफ एक इंश्योरेंस जैसी चीज थी और लूले, लंगड़े, अपाहिज और विधवाओं इत्यादि के लिए उसमें बड़ा सहारा था । अब कुछ लोग सोचते हैं कि उस ज्वाइंट हिन्दू फैमिली सिस्टम को खत्म कर दिया जाये । जब हमारे विधि मंत्री जी ने

कुछ इधर संकेत किया था तो मुझ को बड़ा आश्चर्य हुआ और मैं ने यह समझा कि उनके विचार भी उधर ही चल रहे हैं और शायद वह इस बात के लिए रजामंद हैं कि यह बिल हालांकि ज्वाइंट हिन्दू फैमिली को लागू नहीं होता है, लेकिन यदि इसके वास्ते इधर इंसिस्ट किया जाये तो वह इस बात के लिए भी तैयार हो जायेंगे कि यह ज्वाइंट हिन्दू फैमिली को लागू कर दिया जाय । मैं उनके इस विचार का घोर विरोध करता हूं ।

इसके अलावा एक दूसरी बात जो कि विशेषतः इस बिल में है, स्त्रियों को अधिकार देने की, लड़के के बराबर लड़की को भी अधिकार देने की बात को लेकर हम देखते हैं कि जनता के विचारों में बहुत काफी उथलपुथल मचती है जब कि इस विधेयक में जो धाराएं इस सम्बन्ध में रक्खी गयी हैं, वे उनके सामने आती हैं । इस सम्बन्ध में भी हमारे जो शास्त्रकार थे उन्होंने बहुत ही सोच समझ कर नियम बनाये थे । स्त्रियां प्रकृति से ही स्वाभावतः कुछ प्रकार की सम्पत्तियों की रक्षा करने और उनको ठीक ठीक चलाने के लिए नाकाबिल हैं, और इसीलिए समाज में ऐसे नियम रक्खे गये थे कि कुछ प्रकार की सम्पत्तियों में उनको अधिकार न हो, लेकिन यदि आजकल के जमाने को देखते हुए और अधिक अधिकार उनको देने आवश्यक प्रतीत हों तो वह ऐसे ढंग से उनको दिये जायें जिससे कि सम्पत्ति छिन्न भिन्न न हो ।

श्री द्वा० एम० त्रिवेदी (चितौड़) : यहां तक आवाज नहीं आ रही है, कृपया जरा जोर से बोलिए ।

श्री कं० आर० शर्मा : मेरा इस सम्बन्ध में जो सुझाव है, वह बाद में रक्खूंगा, लेकिन मैं कहना चाहता हूं कि हमारे धर्म शास्त्रकारों ने बड़ी बुद्धिमानी से समाज की व्यवस्था बनाई थी और उसमें परिवर्तन बहुत सोच समझ कर करना चाहिए । यह मैं जरूर मानता हूं कि समय के अनुकूल कुछ परिवर्तन करने आवश्यक हैं । स्त्रियों की जो मांग हैं सम्पत्ति में अधिकारों के लिए वह अवश्य किसी न किसी अंश में हमको माननी पड़ेगी । हमारे मित्र पंडित नन्द लाल शर्मा जो यह कहते हैं कि हमको हिन्दू ला में परिवर्तन करने का अधिकार नहीं है, इस बात को मैं मानने के लिए तैयार नहीं हूं और हमारे आत्माभिमान को ठेस पहुंचती है जब कि वे यह कहते हैं कि केवल मनु और याज्ञवल्क्य को अधिकार था कि वह समाज के नियम बना सकें और हमको जो यहां ७५० के करीब लेजिस्लेटर्स इकट्ठा हुए हैं, हमको यह अधिकार नहीं है और न हम में वह काबिलियत है । मैं यह समझता हूं कि वह लोग बड़ी काबिलियत के आदमी थे, लेकिन जैसे उन लोगों को समाज के नियम बनाने और उन में परिवर्तन करने का अधिकार था उसी तरह से जो हम यहां पर ७५० लेजिस्लेटर्स इकट्ठे हुए हैं, सामूहिक रूप से हमें भी वह अधिकार हैं ।

श्री नंद लाल शर्मा (सीकर) : उन को भी परिवर्तन करने का अधिकार नहीं था ।

श्री कं० आर० शर्मा : मैं मानता हूं कि उन को परिवर्तन का अधिकार था, और उसी तरह से हम को भी, सामूहिक रूप से जो यहां ७५० लेजिस्लेटर्स हैं, उन को भी, अधिकार है । खैर, यह अपने अपने विचार की बात है ।

श्री नंद लाल शर्मा : माननीय सदस्य परिवर्तन का कोई प्रमाण दे सकते हैं ?

श्री कं० आर० शर्मा : प्रत्यक्षं किं प्रमाणम् । इस के लिये प्रमाण की कोई आवश्यकता नहीं दिखाई देती । यह तो एक बिल्कुल स्पष्ट बात है ।

तो जहां मैं यह कहता हूं वहां मैं यह भी कहता हूं कि हमारे कुछ ऐसे साथी हैं जो कि समाज सुधार की सड़क पर हवाई जहाज ले कर दौड़ना चाहते हैं और वह हमारे समाज की एक बिल्कुल नई रचना एक दम से कर देना चाहते हैं । उन में से बहुत से ऐसे लोग हैं जो कि यह समझते हैं कि जो पुरानी चीजें बनी हुई थीं

[श्री के० आर० शर्मा]

वह अब बिल्कुल बेकार हो गई और नये ढंग से एक समाज की रचना होनी चाहिये। जब वह लोग यह दलील देते हैं कि इस सदन में शायद उन की बात न मानी जाय तो उन के पास एक अणु शस्त्र है जिस का प्रयोग वह अक्सर करते हैं और वह अणु शस्त्र है हमारे प्रधान मंत्री के व्यक्तित्व का। बात बात पर वह प्रधान मंत्री जी को यहां बुला कर उन का भाषण करा देते हैं और इस का नतीजा यह होता है कि हम लोगों में से बहुत से सदस्यों को खामोश हो जाना पड़ता है। जब प्रधान मंत्री जी का यहां भाषण होता है तो हमारी वही हालत होती है जैसी कि बर्नार्ड शा की हुई थी जब उन की भेंट महात्मा गांधी से हुई थी। जब राउंड टेबल कान्फरेन्स के जमाने में महात्मा गांधी इंग्लैंड गये थे तो बर्नार्ड शा की उन से भेंट हुई। जब उस भेंट के बाद बर्नार्ड शा बाहर निकले तो एक पत्रकार ने उन से पूछा :

"You have met Mr. Gandhi. What sort of man is he?"

बर्नार्ड शा ने यह कहा :

"I have not yet recovered from the shock. Is Mr. Gandhi a man? No. He is a phenomenon."

तो यही दशा हमारी होती है जब पंडित जी का भाषण यहां पर होता है। पंडित जी ने हमारे देश का नाम ऊंचा किया है और हमारी उन पर बड़ी श्रद्धा है। छोटी छोटी बातों में हम उन को नाराज नहीं करना चाहते हैं। इस लिये हम लोग खामोश हो जाते हैं, लेकिन मैं उन अपने साथियों से यह प्रार्थना करना चाहता हूं कि जिन ख्यालात को जो लोग हैं उन को पूरा मौका दिया जाय अपने ख्यालात जाहिर करने का और उन पर अमल करने का। प्रधान मंत्री जी से मैं यह निवेदन करूंगा कि वह आज दुनिया के राजनीतिज्ञों में सब से बड़े हैं, लेकिन उन का यह स्थान इस लिये नहीं है, उन्होंने यह स्थान इसलिये नहीं ग्रहण किया है कि वह आइजनहोवर या मार्शल बुल्गानिन की नकल करते हैं। बल्कि वह इस लिये हैं कि वह भारतीय संस्कृति और भारत की परम्परा के प्रतीक हैं। इस लिये मैं उन से और जो हमारे दूसरे द्रुतगामी साथी हैं उन सब से यह निवेदन करता हूं कि वे समाज सुधार के मसले पर कम्यूनिस्ट तरीकों को इस्तेमाल न करें। जब मैं इस कम्यूनिस्ट शब्द का इस्तेमाल करता हूं तो मेरा मतलब यह है कि कम्यूनिस्टों का तरीका यह है कि जो पुरानी व्यवस्था है उसको खत्म कर के वह एक बिल्कुल नई व्यवस्था बनाना चाहते हैं। वह पहले प्रलय करना चाहते हैं और फिर नई सृष्टि बनाना चाहते हैं। तो मैं अपने साथियों से यह कहना चाहता हूं कि वह ऐसे तरीके इस्तेमाल न करें। इसी तरह से जो हमारे हवा के घोड़े पर सवार साथी हैं उन में से एक महिला सदस्या हैं जो कि दिल्ली की प्रमुख कार्यकर्त्री हैं। उन्होंने इस विधेयक के सम्बन्ध में और पहले जो हिन्दू विवाह का कानून पेश हुआ था उस पर अपनी स्पीच देते हुए पुरुषों पर बड़े आक्षेप किये थे, और वास्तव में जब कभी वह इस सदन में बोलती हैं तो ऐसा मालूम होता है मानो पुरुषों और स्त्रियों में एक युद्धावस्था या 'स्टेट आफ वार' जारी है। मैं नहीं समझता कि किस तजुर्बे के कारण वह पुरुषों के साथ ऐसा सुलूक करती हैं। एक महिला सदस्या इस सदन में माता की हैसियत से बोला करती हैं, आज मैं एक पिता की हैसियत से इस सदन में कुछ कहना चाहता हूं।

पुरुष बेचारे की एक अजीब दशा है। अब से करीब २५ वर्ष हुए, मैं ने, एक चांद अखबार निकलता है, उस में एक तस्वीर देखी थी। उस तस्वीर में था कि एक समुद्र में नौका पड़ी है वह जीवन नौका थी और उस नौका में स्त्री और पुरुष की तस्वीर बनी हुई थी। यानी पति और पत्नी की तस्वीर थी। पति के हाथ में नौका की पतवार थी और उस पुरुष की नाक में नाथ पड़ी हुई थी जिस को नोज स्ट्रिंग कहते हैं। वह नाथ स्त्री के हाथ में थी। पुरुष नाव को ले रहा

था और नाथ स्त्री के हाथ में थी। तस्वीर में लिखा हुआ था :

"यद्यपि जीवनतरी के तुम्हीं खिवैया नाथ,
झुके तदपि सदैव चलो, नाथ हमारे हाथ।"

तो यह दशा पुरुष की है। स्त्री के हाथ में उस की नकेल है और बड़े झुक झुका कर पुरुष को चलना पड़ता है। पुरुष सारे दिन मेहनत कर के आता है और श्रीमती जी घर में पल्ला पसारे बैठी रहती हैं, वह अपनी गाढ़ी कमाई को पत्नी के हवाले कर देता है। पुरुष आकाश में उड़ता है, किस लिये ? इस लिये कि श्रीमती जी के लिये साड़ी बनवाये, पुरुष जमीन के नीचे खानों में काम करता है, इस लिये कि श्रीमती जी के लिये आभूषण लाये, पुरुष समुद्र की तह में जाता है, किस लिये ? इस लिये कि श्रीमती जी को आ कर सजाये। यह दशा बेचारे पुरुष की है। बहर हाल उस को देखने से ऐसा मालूम होता है कि पुरुष को तो विधाता के विधान में केवल इस लिये बनाया गया है कि वह तमाम दिन और तमाम जिन्दगी मेहनत कर के कमाता रहे और एक निठल्लों की जमात को खिलाता रहे। ऐसी भयानक दशा पुरुषों की है, मैं नहीं समझता कि हमारी मित्र सुभद्रा जी यहां पर इस भवन में जो कहा करती हैं, वह किस आधार पर कहती हैं। मैं समझता हूं कि वह भारत की स्त्रियों का प्रतिनिधित्व इस मामले में नहीं करतीं।

अब जहां तक इस कानून का सम्बन्ध है, इस में बहुत सी चीजें हैं। लेकिन जो हिस्सा दिया जा रहा है लड़की को जायदाद में उस के सम्बन्ध में मुझे निवेदन करना है कि यह बात तो मानी जानी चाहिये कि लड़की को कुछ हिस्सा मिले। लेकिन जो पिता की जायदाद में लड़की को हिस्सा मिले उस के बारे में मेरी यह राय है कि उस में एब्सोल्यूट एस्टेट न होनी चाहिये, बल्कि लिमिटेड एस्टेट होनी चाहिये और वह लिमिटेड एस्टेट उस वक्त खत्म हो जाय जब कि उस की शादी हो जाय या जब कि उस की मृत्यु हो और पति की जायदाद में उस को पूरी ओनरशिप मिलनी चाहिये। यह इसके सम्बन्ध में मेरा सुझाव है और मैं ज्वायंट कमेटी से निवेदन करूंगा कि वह इस पर गम्भीरता-पूर्वक विचार करें।

मैं इस सदन से यह भी निवेदन करना चाहता हूं कि जो यह बात चल रही है कि इस विधेयक को ज्वायंट कमेटी पर भी लागू किया जाए, इस का मैं घोर विरोध करता हूं और सदन से यह प्रार्थना करता हूं कि ऐसा कोई सुझाव ज्वायंट कमेटी को न दिया जाये।

Shri Gadgil (Poona Central): I welcome this Bill because it is in step with the progressive ideas which are now influencing our society. The socialistic pattern, if I understand it correctly, consists of three equalities: political, social and economic. And this deals with the second equality, namely, social equality, inasmuch as it attempts to remove some of the inequalities existing in social institutions, and in particular, in the institution of inheritance.

I admit that this is a revolutionary measure and one must not belittle it. The Hindu society has been having a system of inheritance in which the women were either excluded, or, whenever they got it, they get a sort of limited interest. Very recently some changes have been made by which the daughters are getting some estate absolutely.

Having said that, I want to bring to the notice of the hon. Minister in charge of the Bill that already, so far as rural agricultural properties are concerned, fragmentation is the order of the day. Anyway, in the State of Bombay, nearly 80 per cent. holdings are less than five acres in area, and if further partitions are allowed, not only among the sons but among the daughters, the holdings will considerably go down, and the result will be further fragmentation. That result is, I should say, uneconomic and not consistent with our ideals in the economic sphere. I, therefore, want the Government to do something in that way, so that

[Shri Gadgil.]

wherever there is any economic holdings so far as agricultural property is concerned, it will not be subject to partition. It may be sold either by public auction or between the claimants themselves or a right of pre-emption may be given to brothers against sisters.

Shri S. S. More (Sholapur): Why not to the sister against the brother?

Shri Gadgil: Well, I first said it should be first sold by public auction in which term everybody is included not excluding the sister. So, there it ends.

So far as urban property is concerned, if a small house in any of the moderately sized towns is to be partitioned, it becomes absolutely impossible to partition it with nothing like claim to convenience. We have already on the statute-book an Act called the Impartible Estates Act. I am not sure whether that Act will apply to such cases. If it applies, well and good.

Shri S. S. More: There is also the Indian Partition Act.

Shri Gadgil: Whether it is the Impartible Estates Act or the Indian Partition Act, whatever is desired to be done is that the resulting accommodation should not be too small, below the standard accepted by the Planning Commission. Now, everything can be referred to the Planning Commission including this. I am therefore suggesting that these results should be avoided.

Then there is another point.

Mr. Deputy-Speaker: Is there not already the Indian Partition Act?

Shri Gadgil: Yes. I referred to that. Under the Indian Partition Act, if the property has to be auctioned between the claimants, that can be done—or in any other way. The point is that there should not be sub-standard accommodation left as a result of this partition. That is the point I wanted to make.

Mr. Deputy-Speaker: The hon. Member wants that to be extended to agricultural land also, fixing the minimum?

Shri S. S. More: Different States have different laws regarding land, fixing the minimum.

Shri Gadgil: So far as agricultural holding is concerned—that is, with respect to agricultural property, laws exist. Now, so far as accommodation—residential accommodation—is concerned, there is no law except general standards enunciated, but there is a standard in the Jail Manual that no person should have less than 96 square feet. I think most of us have had that experience. I do not know whether what is available in the jail should not be available in a free life.

Shri S. S. More: The jail provision is on a very generous scale.

Mr. Deputy-Speaker: Sixteen ounces of rice are given.

Shri Gadgil: I do not think it is generous. That same standard has been adopted in many other countries. The point I was making was that as a result of partition, there should not be sub-standard accommodation. That is the only point I wanted to urge.

Now, so far as the heirs are concerned, I have no quarrel, and I agree that there should be no difference between married and unmarried daughter.

There is only one point. I am suggesting for consideration whether the widow of a pre-deceased son or widow of a pre-deceased son's son should have absolute estate. As a daughter she may get. That is a thing to which she is perfectly entitled. But, if property has any connection either with the family or with blood, then, if she re-married after getting the inheritance, both these things are departed from. After all, property is a rallying point for all the best in man, for good emotions. At the same time, if I were to borrow an expression from Marxism, it is a pandora of troubles. So, if a daughter inherits, well and good. She is part and parcel of the family and one's own being as the Sanskrit *Shastrakars* say. It is all right. She should inherit absolutely. But, if a daughter-in-law or a widow of a pre-deceased son or

a widow of a pre-deceased son's son inherits, I have no objection, but if she re-marries immediately after the inheritance falls due, then it is for us to consider whether she should be given that property absolutely, or whether she should enjoy that property and will away if she does not re-marry during her lifetime. The property in a sense is absolute; in another sense the only limitation is that if she re-marries the property reverts back. I do not know whether this idea will be acceptable to the whole House. But I have propounded two ideas round which inheritance should move: one, blood relationship; the other, family tradition. If these two ideas are accepted, then I submit that this is a matter which should be considered.

I had some discussion with my esteemed friend, Shri More, who has vast experience in this matter. He did not agree immediately. I am not dogmatic about it, but I suggest that this be considered. The widow succeeds to property, and next day she remarries. She may succeed again and next day enter into another marriage. I have no quarrel if she marries as many times as her spirit prompts her, but the point is not that. I give property to my daughter because she is part of my life, my blood, my family tradition and so on. But one who goes outside and who is, so to say, least loyal by the very fact that she re-marries.....

Shri S. S. More: How can you say that?

Shri Gadgil: This is my opinion. When you express yours, I shall certainly hear with great attention.

Shri S. S. More: Will not such a provision be a clog on re-marriage?

1 P.M.

Shri Gadgil: It will not be because so long as she is there, she keeps the income. If she dies without re-marriage, she should have the right to will away her estate. That is absolutely certain. Or if she dies intestate, then that property should be considered absolute property of hers for the purpose of succession to her property. But if during the lifetime she marries, it is for the House to consider whether that is consistent with the two principles which are generally behind the entire idea of this order of succession.

Shri Barman (North Bengal—Reserved—Sch. Castes):*

Mr. Deputy-Speaker: I am afraid the hon. Member has already spoken once. He has forgotten that. I am sorry I called him. I expect hon. Members who have already spoken not to speak again and not to have a second chance.

Shri Barman: I am sorry.

Mr. Deputy-Speaker: The Chair may not remember it, but the hon. Member must remember it himself more than myself. Sometimes, hon. Members forget that they have spoken already and once again they speak.

I am sorry. The whole speech will go out of the record.

Shri S. V. Ramaswamy (Salem): I wholeheartedly support this measure. Only I find that it is somewhat halting and does not go the full way it ought to go. Some months back, I was thinking a bit on conservative lines, and I was thinking that joint family property as far as possible should be excluded from the scope of this Bill; and I was in fact thinking that clause 5(i) was really the correct approach. But subsequently I have had a series of discussions and personal talks with judicial officers, and I feel now a convert to the view that clause 5(i) should go. I feel now that the whole of the joint family property must be opened up for the property being given to the daughters also. I feel fortified in this view by a number of opinions expressed by judges recently and also earlier in connection with this Bill.

I wish to place before this House the view, for instance, of the Chief Justice of the Madras High Court, which is very apt and crisp. He says:

"I welcome the Bill so far as it goes. It does not apply to joint

*Expunged as ordered by the Chair.

[Shri S. V. Ramaswamy]

family property. The intention evidently is not to take the drastic step of abolishing the joint family system. Such a step should, however, be boldly taken sooner or later as the two common sources of litigation in this country are the joint family system and the limited nature of a woman's estate. Though it is true that disruption of joint family status has become very easy to accomplish the matter of division of family properties is highly complicated and almost always involves vexed questions as to what are family properties and what are self-acquired properties."

Another judge of the same High Court has also given the same view. Mr. Justice Ramaswami Goundar says in regard to clause 5(i) as follows:

"This should be deleted. In my view, the joint family system has outlived its usefulness, and the sooner it is done away with, the better for our society. It has become the breeding-ground of wasteful litigations; and the present day managers of the joint families, who have fallen from those high standards, only waste the family properties or swindle as much as they can. I submit there can be no real reform of Hindu law or society without the abolition of the joint family system."

Earlier also, so eminent a person as Shri S. Srinivasa Iyengar, who was formerly President of the Indian National Congress, had expressed his views somewhat strongly on this question. I wish to place before this House his views also. The relevant portion is this:

"We should substitute for it (i.e. *mitakshara* law) a property law, similar to, but not identical with, the *dayabhaga* system. The least that ought to be done is to abolish coparcenary property with its incident of survivorship, and to completely obliterate the son's right by birth. The father should be at liberty to dispose of his properties, and during his lifetime, the son should not be entitled to claim a partition. The brothers should inherit the paternal estate in equal shares which should, on their deaths, go to their respective heirs."

Continuing, he had further stated:

"The Legislature should lay down only one mode of succession and the rules of inheritance should be the same, whether the family is divided or undivided and whether the property is joint or separate. In other words, the *dayabhaga* joint family system should be made universal in India and the glittering doctrine of the son's right by birth and the anomalous, antiquated and unjust doctrine of survivorship discarded. The present attenuated rules governing a *mitakshara* coparcenary do not protect the joint family in the enjoyment of its property but operate only as a hindrance to its economic efficiency. Righ by birth and survivorship, and the restrictions imposed by them on the power of alienation and the deprivation of the right of succession of those who are nearer and dearer to a deceased male member than a coparcener are all outworn indicia of the ancient type of family which has become almost extinct."

I am glad that the late Shri S. Srinivasa Iyengar had put it so strongly as that, and he being such an eminent authority on Hindu law, I believe that we should accept that proposition and delete clause 5(i).

Mr. Deputy-Speaker: What is the alternative source of security for the boy who is brought into existence?

Shri S. V. Ramaswamy: I am coming to that.

Mr. Deputy-Speaker: Is it the privilege of the father to bring into existence a boy and then leave him to the winds?

Shri S. V. Ramaswamy: He brings also the daughter into existence.

Mr. Deputy-Speaker: What about the son? We shall come to the daughter later.

Shri S. V. Ramaswamy: In my humble opinion, the son should not have any more claim than the daughter, and being born to the same father they are equally entitled to the property. That is what I am saying.

Mr. Deputy-Speaker: Is the hon. Member willing to give the daughter a right by birth?

Shri S. V. Ramaswamy: When you abolish the joint family and coparcenery, the very conception of the right to property by birth and survivorship goes and this question does not arise.

Mr. Deputy-Speaker: On the other hand, if the daughter also has a right by birth, every child is entitled to maintenance.

Shri S. V. Ramaswamy: It is not a question of right by birth. The father has got the absolute right. After the death of the father.....

Mr. Deputy-Speaker: Is it not open to the father to dispose of all the property leaving the children to the winds?

Shri S. V. Ramaswamy: We take the father to be a reasonable man.

Mr. Deputy-Speaker: Many fathers have misbehaved.

Shri S. V. Ramaswamy: Every father has affection towards his own children. Of course, there are fathers who have been drunkards or are given to bad ways. We cannot help that. The children have got to suffer, if he is so bad. But the sons will see that he does not destroy the property.

Mr. Deputy-Speaker: He will be murdered?

Shri S. V. Ramaswamy: I am not suggesting that.

It is as a corollary to the deletion of clause 5(i) that I am suggesting that clause 10, rule 5, should also be amended. It gives half a share to the daughter. I do not see the rationale behind it. Looking at the Rau Committee Report—even the ladies have recorded evidence accepting half a share as a matter of compromise—they say:

> "The question of the quantum of the share which should be allowed to the daughter has engaged our anxious attention. The one-fourth share provided in the *smritis* seems to be too small, even as a first step: in many cases, it will not amount to much. We note that Sir Vepa Ramesam (Retired Judge of the Madras High Court) would prefer to begin with the one-fourth share and raise it later, if experience proves that the dowry evil has been effectively reduced as a result of giving the daughter the one-forth share. Most of the women witnesses consider it in quitable to deny to the daughter the same share as the son, but practically all of them accept the provision of half-a-share as a compromise."

I do not know why the ladies accepted this as a compromise. I would go the whole hog. Once you give up this idea of right by birth and by survivorship, once you have this conception, that the daughter is equally born to the father like the son, and, therefore, she must necessarily have an equal share, all these considerations go. The daughter is as much the progeny of the father as the son.

The other argument that was put forward, that if you give an equal share to the girl, there may be other concomitant evils, do not, I think, hold water. It is said that because of the right of the girl to the property, there will be fragmentation. Not at all in actual practice, what happens is this. Fragmentation does not take

[Shri S. V. Ramaswamy]

place, but the share of the sister is paid for by the brother, as we see among the Muslims. So that, in actual practice, fragmentation does not take place. But there are some minor difficulties that arise. Now, we have provided that the minimum age for marriage is sixteen. The possibility of minor girls being married, with the consent of the guardian, is there. What happens is this. Suppose the girl is sixteen. She is given an equal share. Will she be able to manage it? This is a difficulty which arises. So I would suggest that no daughter shall be entitled to claim a share until she completes the age of twenty-one. (An Hon. Member: Fifty-one). No, twenty-one. By fifty-one, she may not be alive. I won't accept that amendment.

So that would be a sufficient safeguard for protecting the interest of the daughter in the property that she may get from the father. After all, we are living in a progressive society; our girls are coming up; they are getting educated; they are getting more and more bold, and will be able to look after their own rights. We must also see as days go on that they will be able to take charge of their own property. In the meantime, till such time as they are able to look after their own property themselves, this salutary provision that the daughter shall not be entitled to her share until she reaches the age of twenty-one ought to be introduced as an amendment. I say this for this reason: by twenty-one, the girl possibly has got one or two children. The family has been set up; affection has grown not only between the two but round the children, the progeny, and the chances are that there will be less of quarrels between the husband and wife. A harmonious family will be there and the husband will not be intent upon getting at the property which the wife has got. It is possible there may be cases where the husband is cruel to the wife, is a drunkard, is a gambler and so on and so forth. There is an infinite variety in this world, but what is the percentage of such cases? We are legislating not for exceptions and aberrations. The normal run in society is to have a decent, good, harmonious family. We are legislating for that; if there are aberrations and errors, we shall correct them by other ways. Therefore, I urge that we must take courage in our hands and give the daughter her full or equal share along with the son and trust to the development and the progress that is taking place in the country by which our women-folk—I am very proud that they are coming up—will have not only a share in their own rights in property but also in the burdens of the State and society.

The other point I want to submit is this. Clause 16 is most welcome. This absolute right to women is long overdue. We all know—and you as a lawyer know—that the limited right of women has led to litigation and also so many other difficulties. It seems to me to be inequitous to limit the right of the women to her property. I am very glad that this clause has been put in there, to give absolute right to women.

Clauses 17 and 18 are also very welcome. The different types of *stridhan* the different modes of succession in different parts of the country have all led to complications, and clauses 17 and 18 seek to introduce uniformity in the matter of succession to a woman's property, and lessen the chances of litigation. I wholeheartedly support this amendment and I do hope that people in the south, who are under the *Mitakshara* system and who have been feeling somewhat apprehensive about the extension of this right of the daughter to the *Mitakshara* system, will feel that the time has come when the *Mitakshara* system must be broken up, and also see that if the *Mitakshara* system is maintained in south, it will retard progress. Already, the progress in the country—the economic progress and so many other things that have come up—has led to the break-up of the joint family system in a variety of ways. Supposing there are half a dozen sons in the family, many

of them go away to distant parts of the country or even abroad and they have no touch with the joint family. The joint family is managed by a manager who may not strictly account properly to the other members who are away. All these things take place: there is bickering, quarrel and litigation. I for one feel that if the joint family system is broken up, there will be a large reduction in litigation and the society will be in a more harmonious atmosphere. Considering all these things, I wholeheartedly welcome this Bill.

Mr. Deputy-Speaker: Hon. Members who are on the Joint Committee need not stand. Other Members who have already spoken may kindly recollect whether they have spoken or not.....

Shri U. M. Trivedi: I think I have spoken, but I want to speak on the question of the amendment which has been moved today. The amendment is that the Report may be submitted by the 9th September.

Mr. Deputy-Speaker: So far as that is concerned, he may vote on it. It is 9th September this year and not 9th September next year.

Pandit Thakur Das Bhargava: I have moved an amendment for changing the date to the 9th December.

Mr. Deputy-Speaker: 9th December this year. There is no special speech necessary for that.

Shri B. K. Das (Contai): The previous speaker referred to the question as to whether there should be one form of succession and the hon. Minister also referred to it in his speech. I do not know why he has chosen to make a departure from the previous Bill that was before us during the last Parliament. When the Hindu Code Bill was before us, Government gave a lead in this matter and they wanted that there should be one form of succession, and that would be the *dayabhaga* system. For the information of the House, I will read out the clause as it was proposed to be amended by Government—clause 87 of the Hindu Code Bill as reported by the Joint Committee.

> "Joint tenancy to be replaced generally by tenancy-in-common: Except in the cases and to the extent expressly provided in this part all persons holding, on the commencement of this Code any property jointly as members of a joint family shall be deemed to hold the property jointly as members of a joint family shall be deemed to hold the property as tenants-in-common, as if a partition had taken place between them as respects such property on such commencement and as if each one of them is holding his or her own share separately as full owner thereof.
>
> Provided that nothing in this section shall affect the right to maintenance and residence, if any, of the members of the joint family other than the persons who have become entitled to hold their shares separately, and any such right can be enforced as if this Code had not been passed."

I think this clause satisfied our objects, namely, that there should be a common form of succession. I do not find anything in the speech of the hon. Minister to justify why a departure has been made from this. There are complications, and further complications will arise if a common system of succession is not accepted. I, therefore, hope that the Select Committee will take note of this fact.

You, Sir, pointed out whether it would be hard or difficult for the maintenance of children if such a form of succession is accepted. With the experience we have in Bengal and other places where the *Dayabhaga* system is in vogue, I do not find any difficulty in having proper maintenance for children where the father belonging to the *Dayabhaga* system is in charge of them. So, the objection that the children will not be properly looked after can be easily met.

[Shri B. K. Das]

I think the hon. Minister will also give a lead in this matter. Although he has said that he has got an open mind and is completely in the hands of the Select Committee, whatever be their decision, I would still expect the Government to give a lead in this matter.

The next point to which I would like to refer is the quantum of share for the daughter that has been prescribed in the Bill. It has been prescribed as half the share of the son. One thing to be considered in this respect is this and I do not think this is a matter for compromise, but there are other considerations too.

Shri S. V. Ramaswamy: The report says that.

Shri B. K. Das: I do not know, but there is one consideration. If a daughter unfortunately becomes a widow, she will also have a share of the property of the intestate husband. Then again, there is a chance of her having *Stridhana*. In view of these considerations, the half share prescribed in the Bill may be taken as a reasonable share, at least for the present. Let us have an experience of this, and if the Bill does not work well, we may then have a change about that point.

Next, I should like to refer to the question of the abolition of the limited estate. I wholeheartedly support this measure.

As regards the fragmentation that is often spoken of as an argument against the inheritance by the daughter, I think in many States we are now having land reforms Acts and also measures have been or are being taken in that behalf. Those States will take care to see that steps are taken so that there may not be further fragmentation and also other difficulties may be overcome.

I support the Bill.

Shri Dabhi (Kaira North): I wholeheartedly support the principle of the Bill. As the hon. Minister stated the other day, there are three main features of the Bill. The first is the introduction of the inheritance of the daughter along with the son, widow, etc.; the second is the quantum of the share to be allotted to the daughter; and the third is the abolition of the limited estate of the woman.

Taking the third feature first, I fully support the idea that if a woman is at all to get some property, she should get absolute right thereon. There cannot be any difference of opinion on this, but then, as Kaka Sahib had some doubt, I too have some doubt about this. As regards the property to be acquired by a widow, the practical difficulty is this. The Bill is intended to apply to all classes of people and we know that amongst the vast majority of the people, the custom of remarriage is there. The first point is that there is no doubt about the woman having an absolute right to the property, but the question is when a woman, for whatever reasons, goes to another family, is it then proper to give her absolute right upon the property of her former husband? Suppose a man dies, his property will go to the widow, and after a few days or months if she marries somewhere else, then is it proper or just that she should get absolute right over the property of her former husband?

Shri S. S. More: Does she not get the inheritance as consideration for the past services rendered and not as something promised for future action?

Mr. Deputy-Speaker: He need not put it so grossly as that.

Shri Dabhi: I am not in a position to make my decision in this matter, but I hope that both these points of view will be considered by the Select Committee.

Mr. Deputy-Speaker: A child does not get that right on account of any services. The moment a child is born to a man, it gets the right of inheritance.

Shri Dabhi: With regard to the quantum of share to be given to the daughter, once you concede that the daughter has an inherent right to succeed to some property, I do not understand why she should be given only half a share. If she has absolute right to a property as the son has, I do not see any reason or logic in saying that the daughter should only get a share equal to half that of the son. If at all we are to give any property and if at all we come to the conclusion that a daughter must succeed to her father's property along with the sons also, I see no reason why there should be any less share to the daughter than to the son.

The first point is the controversy about the introduction of daughter as a simultaneous heir. That is the main difference of opinion with regard to this point. As I have already said, I am absolutely in favour of giving inheritance rights to the daughter. But I would also bring to the notice of the House as well as the Select Committee certain difficulties. There is some truth in the saying that you cannot eat the loaf and have it too. I am in favour of complete equality between the daughters and sons on all matters. But the difficulty is that we have to decide whether it would be more practicable to give women absolute right in her husband's property or whether we should give her a right of succession to her father's property. We have to decide this way or that way. There are certain practical difficulties also.

The whole assumption of this Bill—and also the assumption of those who had spoken on this Bill—takes it for granted that in this country everybody has got so much property that it could be easily divided. I talk of the practical difficulty. If all persons who die intestate would have some houses and property worth a few lakhs of rupees, then there will be no difficulty. But in this land of ours—whatever may happen 25 years hence when the national income would be doubled or trebled—ninety per cent. of our people live in villages and they may have only one house. What can you do in this matter? I talk of only the rural area. Supposing we have got a family of five people, there may be 2 daughters and three sons or two sons and three daughters. Under these conditions, when most of our people live in the villages and have got only one house and two or three bighas of land, the average acreage per head will not be more than one acre or it will be a little more than that. The practical difficulty arises when a man dies leaving one house and a few acres of land. What will be the position then? The argument would be: 'If there are two sons or three sons, what would happen? The same thing would happen if there is a daughter also'. There also there is the practical difficulty when there are two or three sons. But the brothers—two or three—may stay together for some time. But the difficulty will arise when there are two daughters and two sons and only one house. There are not even two rooms in the houses in the villages. How can the property of a man be divided among two sons and two daughters if he dies leaving one house and 2 or 3 acres of land? How can the house be divided? The hon. Minister may cite clause 25 which states that where the immovable property devolves upon the male and female heirs, the male heir shall have the compulsory right to buy up the shares of the female heirs. But where would that man get money? How can he buy that? The father dies leaving a house and two or three acres of land. Where can the sons earn the money to buy the house? That is also a very difficult question.

Theoretically we have no objection to the daughter being given a share. But we should look to the present conditions, especially in rural areas. There may not be much difficulty in urban areas because in urban areas most people live in rented houses.

Pandit Thakur Das Bhargava: In cities also poor people are there.

Shri Dabhi: Theoretically I fully sympathise with the idea. But the

[Shri Dabhi]

practical difficulty is there. I may ask whether it would be possible to give a woman when she goes to her husband's house exactly the same right as is given to a son. These are all practical difficulties. On the one hand we are moved by these principles and on the other there are these practical difficulties. The moment a daughter gets married, the difficulty will arise.

Shri Pataskar: May I ask the hon. Member one question? Supposing the property is small and there are two sons, would he deny the right to one of them or find out some other way?

Shri Dabhi: I had already said it is very difficult. On the one hand there is sympathy with the principles of the Bill but on the other hand I am pointing out the difficulties. I replied to the hon. Minister's question earlier that the brothers may stay together and that they can accommodate each other. Afterwards they may do something. I am not against giving inheritance rights to females.

Shri Pataskar: I only wanted if the hon. Member could suggest anything.

Shri Dabhi: These brothers can stay together but those who come from some other family will find it difficult. I am only putting these difficulties before the House and the Joint Committee so that these points may be considered and some practical solutions might be suggested. Nobody can say in these days that a daughter is not entitled to a share; I am not against that principle. Once you give the right of succession to the daughter, she must be given full share and not half share.

Shri H. G. Vaishnav (Ambad): I also support this measure wholeheartedly. Much has been said about the share given to the daughter. In Rau Committee's report it is said that some compromise was made and it was decided that half of the son's share should be allotted to the daughter. Much has been said about this suggestion but I think it was a practical suggestion. It was not by way of compromise that this was made. Taking into consideration the present society and the other circumstances, that was the only practical suggestion. We know that a daughter after her marriage will certainly get a share in the property of her husband. At the same time, she is entitled by this law to a share in her father's property. The parents have to meet the marriage expenditure. While considering the share she may be entitled to get from her father's property, there will be some practical difficulty. At the time of marriage they will think as to what should be spent for her marriage. The brothers will object saying why so much should be spent for her marriage and may suggest she may get her share in the father's property—even equivalent to that of the son. And, if that is so, the father may also hesitate to spend even a reasonable amount for the marriage of his daughter. In that way it would be rather difficult to get a suitable match as per conditions that prevail in our society. As it is essential nowadays that to have a suitable match the father has to spend according to his own position and status, rather a good amount on the marriage of his daughter, a middle class person has to spend about Rs. 2,000 to even Rs. 5,000—even beyond his capacity—to have a suitable husband for his daughter. If that much is spent on the marriage alone, naturally, the question would arise that nothing should be given to the daughter by way of inheritance. Nowadays the fathers spend on marriages because they know that their daughters are not to get anything out of their property after they are given in marriage. That is why, at times he is prepared to spend even much more beyond his capacity on the marriage. Later on, if once, according to this Bill, it is decided that the daughter is to get an equal share along with the son, of course, even good parents would rather hesitate to spend large amounts over marriages of their daughters. When an equal share is to be allowed to the daughters the question would be much more acute. That

is why it was well proposed that the daughter should get half the share that the son gets. This will be equalised because the son is not to get anything from other sources. Of course, he may get something from his wife also, but, at the same time, the prospects of the daughter are much more. If she is given in a good family, she would inherit good property from her husband's family. In this way, if these two things are put together, there is no doubt that the share allowed to the daughter, which may be taken as half share to that of the son, will be thought to be reasonable and thus the question of equality and all those things will not arise. That is the only practical solution so far as the present condition of our society is concerned.

If this is done, it may not be objected, even at the time of marriage, if the father spends a good sum over the marriage of his daughter because the son, if at all he objects, can understand that his sister is to get only half the share in the property to that of his own share. Therefore, if at all some objections are raised they would not stand in the way of the father spending a good amount over the marriage of his daughter. In this way, what I submit is this: that the proposal made in this Bill that the daughters should get half the share to that of the son seems to be reasonable.

In other respects this Bill as it stands is much more advanced and certainly it is a very efficient step taken towards developing the status of women. As the fact stands at present the females in the Hindu society are deprived of the rights to property since, not only centuries, but even thousands of years and that injustice is done away with by this measure. Because of this the status of women will certainly be raised as she will have some economic backing; otherwise, nowadays, even daughters of high class families when they are given in marriage to other families, as nothing is inherited by them, are rather reduced to the position of a submissive nature. From this point of view, this Bill, specially as it gives right of inheritance to the daughter, is one which will raise the position of women in Hindu society.

In view of this and in view of all other aspects I fully support this Bill, especially that clause that the daughter should be given half the share to that of the son.

Shri B. S. Murthy (Eluru): Sir, I rise to support the Bill. I have to add only one point. That is, it is inequitous to think of giving only half a share to the daughter when you are trying to give equal share to brothers. The Hindu society is a peculiar society. It says something and does something else. What is this dowry system? Is it not claiming its share of the father's property? The bridegrooms go in auction and say: "Rs. 10,000, Rs. 15,000, Rs. 20,000" and so on. Once the father gives an equal share to his daughter I am sure the dowry system will have its death knell and in trying to make it half, one-fourth or one-eighth you will be trying to give a lingering life to this dowry system.

My experience in the south is this. All rich parents will go in search of bridegrooms. When a rich father is in search of a qualified husband for his daughter, naturally the father of the boy will say Rs. 20,000, Rs. 50,000 and even one lakh of rupees. Recently there was a marriage where a father had to borrow and give his daughter rupees. Almost all the middle class families in the south, as far as I know, families in the south, as far as I know, are being ruined because they have to go in search of good, eligible and attractive bridegrooms. Therefore, instead of trying to abolish this dowry system and seeing that the father's property will be equally inherited by the daughters as well as sons, why should you fight shy and say that the daughter will get only half of what the son gets?

Mr. Deputy-Speaker: Would the son-in-law wait until the father-in-law dies to get a share? It is problematical.

Shri B. S. Murthy: Is it not invariably the son-in-law who always looks after the father-in-law than the sons? I think it is the experience of most of the fathers-in-law that it is the sons-in-law who look after them than their own sons.

An Hon. Member: We have not heard of that.

Shri Nand Lal Sharma: May be prevalent in his parts.

Shri S. S. More: Such fortunate fathers-in-law are in a minority.

श्री बी० जी० हंसपांडे : जामाता कृष्णसर्पश्च ।

श्री ए० एम० त्रिवेदी : जामाता दशमोंग्रहः ।

Shri B. S. Murthy: If the father-in-law is a *bad graha* there will be a *dushta graha* in the son-in-law. As long as there is love and cordiality between the father-in-law and son-in-law, naturally the son-in-law will be much more a mentor and adviser of the father-in-law than his son himself.

Now, coming back to my point, when you are trying to raise the womanhood of India, why should you, again, in this Hindu Succession Bill say that a woman is half of what the man is? Why should you reduce the position of women by saying that she is not worthy of having equal inheritance along with sons? Therefore, this question also must be looked into and seen that once you concede a right, concede it with grace. There is no use of saying that she deserves only this much and she does not deserve that much.

Pandit Thakur Das Bhargava: According to the Bill she is one and a half times "he" in regard to inheritance to property.

Shri B. S. Murthy: Let us go to the mathematics afterwards but now it is a question of economics I am speaking of. The rule follows: namely, that once the daughter begins to inherit, everywhere naturally the mother's property also will be shared by the sons. Therefore, it is not a question of the son, grandson or grand-daughter alone. The men and women will be placed on the same pedestal and they will have an equal succession and inheritance from the father as well as that the mother's property will go only to the daughter and not to the son. If the mother has more property than the the mother. It is not said anywhere father, son, as well as the daughter will always be sharers. Therefore, there is no question about the daughter getting one and a half times more than the son.

Pandit Thakur Das Bhargava: Is there any provision for the son-in-law corresponding to that for the daughter-in-law?

Shri B. S. Murthy: That is the biggest provision you are making here. Therefore, as far as my experience goes, in the South the cordiality between the sister and the brother is much more than it is among the brothers themselves.

Sardar Hukam Singh (Kapurthala-Bhatinda): That is so, so long as she does not claim a share. Now that she becomes a share-holder, it will be different.

Shri B. S. Murthy: I tell you that in many cases the daughter gets ten acres or fifteen acres of the father's property at the time of the marriage. It is given in writing. But that property is not fragmented. It is still in the hands of the father or the brother or the brothers, and then she gets a certain share of produce. Now, you have raised a big bogey by saying that by the daughter inheriting a piece of land in the father's property, there will be a lot of fragmentation and after all, India is having fragmentation as a rule. This division again between the brother and the sister will not accelerate the fragmentation much more. Therefore, I think if you are willing to give, to concede the right, please be graceful and give full share along with the son to the daughter, so that

the present dowry system will be having its death-knell. If you do not want to do it, have the old system. Let the womanhood of India rise in revolt and claim more than half the share.

Sardar Hukam Singh: I agree with the principles, or rather, with the principle that the girl also should get a share in the property. That is the logical conclusion of all other laws that we have taken up so far as the social laws are concerned. When we have passed or are going to pass those marriage laws and providing divorce for the girl, it is necessary that she should have economic independence. Rather, I am of the opinion that the economic independence should have preceded the grant of the right to divorce, though I doubt whether only the share in the property would give her economic independence that is required of a girl when she has to exercise that right. But I differ from my friends and even the Minister of Law when you are providing this share to the girl out of the father's property. I am afraid this will create many complications and I do not agree with my friends when they advance the argument that if there was another brother then too the property shall be fragmented and they have to divide it among those brothers. It is a different question altogether. The laws that we are trying to follow are quite different from the law that we have so far as Hindus are concerned. If we take up Mohammedan Law or the Christian Law, the field of prohibited degrees is not as wide as we have in our system. Even though we have contracted that field in our new laws,—even with these reformed laws—the field of prohibited degrees is still quite a wide one and a large one. Therefore we will have to give our daughters to strangers. The girls shall not be able to marry their cousins, and therefore, they cannot be expected after marriage to live with their parents. They will have to go away to their fathers-in-law. Naturally, the son-in-law would expect or would try as soon as he has that right, to get a share on behalf of the wife that he should partition that property, get his share, sell it, and then go away because he has larger interests with his father's property and with the residence where his father lives. What are the consequences that would follow? So far as Punjab is concerned, I shudder to think of the consequences that would follow. There are peasant proprietors. Take the case of small shopkeepers, labourers and others living in the city. But if we confine ourselves to the case of those peasant proprietors who have got these small holdings, uneconomic ones ranging from two to five acres—this case was taken up by Shri Dabhi as well—what is the property beside those uneconomic holdings of about three or four acres? There is the movable property, but what is that? The peasant proprietor, the poor man, has got one cow and hardly a pair of bullocks. My friend here prompts that they have only bullocks and perhaps no cow. But there, I say that 40 or 50 per cent. of the peasants have a cow. Generally, I say that a peasant has hardly one cow or a buffalo; he has one pair of bullocks and one paid of ploughs and a few other implements. This is what he has got so far as movables are concerned. The whole family works day and night to eke out its living. They have no cash at all. It would be difficult to collect a few coins in the whole village, an ordinary village or an average village. Leave aside those exceptions that are like extremes. If the girl is married and naturally to an outsider, what would be the position? It is being provided that the brother should buy the share. The brother shall not be able to buy his share. He cannot pay his sister or his brother-in-law. He has got no money. What would be the conclusion? That property would be sold to an outsider who lives in the village and who wants to take revenge on that family. He will be an enemy of the family and he will come in and offer an amount and would be prepared to buy that property. If he gets a chance, what will be the conclusion or the consequence? There will be destruction of the family. Previously, when the Hindu Law was taken up, then too I raised my voice that I am not against the

[Sardar Hukam Singh]

share being given to the girl. I do favour it but so far as the proposal is to provide a share out of the father's property, this is ruinous for the girl as well as the family itself.

Pandit Thakur Das Bhargava: It is simultaneous sharing.

An Hon. Member: Ruin to the family property as well.

2 P.M.

Sardar Hukam Singh: Exactly. A family will include the members as well as the property that they have. On the previous occasion, I gave a proposal. There were two more eminent persons of this House—Bakshi Tek Chand and Pandit Thakur Das Bhargava—at that time. I do not say that they agreed with me because it would be rather discourteous, but I say I agreed with them. They advanced the point, and I was of the same opinion, that the daughter should have this right to share with her husband so far as the father's property was concerned. It should be deemed as if another Member had been born to that family and she should come and share that property. We will be making provision for her without destroying our system and without bringing ruin to this family. My fears are these and I want to place them openly. So far as Punjab is concerned, though we have advanced a good deal, my fears are that there would be cases of female infanticide. Some of my friends may not agree with me, but there would be devices invented and girls would be strangled when they are born. My friends may not believe it, and they may laugh at it; but this is my conviction. So far as Punjab peasantry is concerned, again they would revert to the old system. If there are female infanticides, then we have to adopt measures to check them. In no way would this bring any benefit to the girl and in no way would we be advancing her cause. It would not bring to the girls that economic independence which we want to bring. Therefore I want to bring into prominence simply this fact, leaving aside other things, that we should ponder over this Bill and because this is going to a Select Committee, I hope that they would give their full attention to this aspect. I do not know what the practice is so far as South India is concerned. My friends have been just telling us that there are better relations and greater love and affection between the father-in-law and the son-in-law than between the father and the son. I can visualise that so far as the present system continues when the girl has no share; but when she becomes a full shareholder and wants to divide the property, then the relationship between the brother and the sister will become the same as the relation existing at present between brother and brother; and that particular affection which the brother has for the sister will be eliminated. I do not agree that the brother will continue to have the same affection for the sister; and I stress this fact again and again for the consideration of the Select Committee that this aspect of the question must be gone into.

श्री हेंडा (निजामाबाद) : इस बिल का स्वागत करते हुए मैं एक चीज की ओर सदन का ध्यान आकर्षित करना चाहता हूं । लड़कों के साथ लड़कियों को भी विरासत के अन्दर बराबरी का नहीं तो कम से कम आधा अधिकार तो होना ही चाहिए, यह इस बिल के अन्दर भावना है । इस भावना से यह समझ लिया गया है कि एक तरफ हमारे समाज की लड़कियों की जो शादी होती है, वह बालिग उमर में होती है और वह ऐसा समय होता है जब कि वह अपनी भलाई और बुराई खुद देख सकती हैं और अपने पति अपने देवर या ससुराल के जो दूसरे लोग हैं श्वसुर आदि उनके हाथों में वह नहीं खेलेंगी और अपने माता, पिता के साथ और भाई या दूसरी बहिनों के साथ किसी प्रकार का अन्याय नहीं करेंगी । दूसरी तरफ यह भी समझ लिया गया है कि आज जो दहेज की प्रथा है, इस प्रकार की दहेज की प्रथा का रिवाज या तो नहीं है या तो रहेगा नहीं । इन दो चीजों की सम्भावना करने

के बाद इस बिल के अन्दर की जो बुराइयां दिखाई देती हैं, वह बुराइयां सारी नष्ट हो जाती हैं। हिन्दू समाज आज जैसा कि मौजूद है वह एक सीधा सादा समाज नहीं है, उसके अन्दर कई स्तर हैं और अलग अलग स्तरों के अन्दर अलग अलग प्रकार की परिस्थितियां मौजूद हैं। इस लिहाज से कुछ स्थान ऐसे भी हैं जहां कि दहेज की प्रथा बिल्कुल ही नहीं है, साथ ही कुछ स्थान ऐसे भी मौजूद हैं जहां कि लड़कियों की शादी काफी बड़ी उम्र में होती है और आजकल तो ऐसे खानदानों की संख्या कम नहीं है जहां कि लड़कियां ग्रेजुएट और ग्रेजुएट होने के बाद बल्कि कुछ हद तक कमाने का कुछ काम करने के बाद खुद अपनी मर्जी से शादी करती हैं, माता, पिता उसके अन्दर सहयोगी होते हैं, उनका परामर्श होता है लेकिन दखल नहीं होता और किसी प्रकार का दबाव नहीं होता है। इस प्रकार के हजारों और सैकड़ों खानदान आज हमें दिखाई देंगे। कोई विशेष जाति के अन्दर कोई एक विशेष बात हो, यह भी तो नहीं है क्योंकि तकरीबन् प्रत्येक जाति में अलग अलग प्रकार के स्तर निर्मित हो गये हैं। एक तरफ तो दहेज प्रथा जैसी आज है, वैसी रहेगी नहीं और दूसरी तरफ हम यह समझ लें कि लड़कियों की शादी ऐसी जल्दी नहीं होगी जिसकी वजह से वह अपने पति, श्वसुर या और किसी के हाथों में खेलें और अपने पिता की जायदाद को नुकसान पहुंचायें या उसको छिन्न भिन्न कर दें, यह दो चीजें अगर हम समझ लें तो इस के अन्दर जो बुराई दिखाई देती है वह नहीं दिखेगी।

उपाध्यक्ष महोदय, हमारा उद्देश्य क्या है ? क्या हम दहेज प्रथा को नष्ट नहीं करना चाहते ? क्या हम विवाह की उम्र बढ़ाना नहीं चाहते हैं ? क्या हम यह नहीं चाहते कि दहेज प्रथा नष्ट हो और विवाह के समय लड़की की जो उम्र है वह काफी हो ? आज जो हमें एक भयंकर बुराई इसके अन्दर दिखाई देती है वह आगे चल कर नहीं दिखाई देगी। इसके बाद हम एक दो सवालों पर आते हैं जैसे कि पहली बात तो यह है कि लड़कियों को लड़कों के समान जायदाद में पूरा हिस्सा मिलना चाहिए या उनका आधा हिस्सा होना चाहिए। एक बात तो स्पष्ट दिखाई देती है कि लड़की को भी लड़के के बराबर हिस्सा होना चाहिए लेकिन इसके अन्दर यह पेचीदगी पैदा होती है कि उसका कहां पूरा हिस्सा होना चाहिए ? एक तरफ तो वह अपने पिता की जायदाद में हिस्सा हासिल करती है, दूसरी तरफ अपने ससुराल की जायदाद के अन्दर भी वह अधिकार रखती है....

Shri B. S. Murthy: What about the daughter-in-law bringing property?

श्री हेडा : बहू जो जायदाद लाती है वह खुद के लिए लाती है, पति के लिए नहीं लाती है। वैसे पुरुष और स्त्री, पति और पत्नी को अगर हम एक करते हैं तो फिर इस प्रकार के कानून बनाने की जरूरत ही नहीं है। लेकिन अगर हम इन्हें अलग अलग रखते हैं, तब हमें इस प्रकार से सोचना है। बहू जो जायदाद लायेगी वह बेटे की उसके पति की होगी, यह मेरे दोस्त की भावना है, यह भावना हमेशा सच होनी चाहिए, लेकिन आम तौर पर सच नहीं होती। इस कानून के तहत वह सच नहीं होती, यह हम समझ कर चल रहे हैं। बहरहाल मैं यह कह रहा था कि हम लड़के और लड़की के साथ अगर बराबरी का बर्ताव करने की बात करते हैं तो लड़का सिर्फ अपने बाप की जायदाद में हिस्सा हासिल करता है, अपने श्वसुर की जायदाद में उसका कोई हिस्सा नहीं है, अब मेरे दोस्त ने जो बतलाया कि पत्नी के जरिए इनडाइरेक्ट तौर पर जो पति को हिस्सा मिलेगा, मैं उसको कोई अहमियत नहीं देना चाहता। दूसरी तरफ हम लड़की को बाप की जायदाद में और ससुराल की जायदाद में हिस्सा दिलाने जा रहे हैं। इसमें मुश्किल यह है जैसा कि मैंने अभी जिक्र किया है कि हिन्दू सोसाइटी के अन्दर मुख्तलिफ प्रकार के स्तर होने से इन दो चीजों को अलाहिदा रखना पड़ रहा है। एक तरफ कुछ ऐसे उदाहरण मौजूद हैं जिनमें ऊंची उम्र में शादियां होती हैं और जाहिर है कि जब ऊंची उम्र में लड़की की शादी होती है तो वह और परिस्थिति का निर्माण करती है और जब छोटी

[श्री हेडा]

उम्र में लड़की की शादी होती है तो और परिस्थिति का निर्माण करती है और उस हालत में साफ जाहिर है कि वह अपनी भलाई और बुराई उतना नहीं देख पाती और अपने पति और श्वसुर के असर में आकर आचरण करती है। छोटी उम्र में जहां शादियां होती हैं वहां पर अगर लड़की को दोनों तरफ अधिकार दिया जाय तो मैं समझता हूं कि उसके अन्दर कुछ पेचीदगी पैदा हो सकती है। मैंने जैसे पहले अर्ज किया कि चूंकि हमारी आज की सोसाइटी में कुछ विशेषताएं मौजूद हैं जिनके कारण हमें लड़की को दोनों जगह अधिकार देना पड़ रहा है। जब दोनों तरफ अधिकार देते हैं तब यह चीज ठीक मालूम होती है कि पिता की जायदाद के अन्दर बराबर का हिस्सा देने के बजाय आधा हिस्सा दिया जाय और इस प्रकार की प्रथाएं कई समाजों के अन्दर आज मौजूद भी हैं और मैं समझता हूं कि वह ठीक तौर पर काम कर रही हैं। दूसरी चीज मेरे मित्र श्री मूर्ति साहब ने कही। उन्होंने इस का जिक्र किया कि दक्षिण के अन्दर श्वसुर और दामाद दोनों के अन्दर बड़े प्रेम के सम्बन्ध होते हैं। मैंने सोचा कि आखिर बात क्या है, तो बाद में मुझे ख्याल आया कि शायद मूर्ति साहब के सामने वह घराने हैं जहां पर कि आम तौर पर भांजा ही दामाद होता है, बहन का बेटा ही दामाद होता है बल्कि यह बात बचपन से ही तय हो कर चलती है कि मामू की लड़की ही होने वाली पत्नी है। मैं उस समाज से आता हूं जहां मामू की लड़की को बहन समझा जाता है और उस के साथ शादी करने की कल्पना नहीं की जाती।

Mr. Deputy-Speaker: I do not know if Shri B. S. Murthy has already become a father-in-law.

श्री हेडा : तो जब मैंने यह देखा कि मामू की लड़की के साथ शादी होती है तो मैंने यह मालूम करने की कोशिश की कि शादी के पहले उन का सम्बन्ध क्या होता है। शादी के पहले मामू की लड़की को बहन की तरह नहीं माना जाता, बल्कि उस के लिये ठीक वही शब्द तेलगू और शायद तामिल में भी और दूसरी भाषाओं में प्रयोग में लाये जाते हैं जो कि साली के लिये होते हैं और वह अपनी फूफी के बेटे के लिये ठीक वही शब्द इस्तेमाल करती हैं जिस का अर्थ जीजा का होता है। तो वहां पर भाई बहन का रिश्ता निर्माण होता ही नहीं है। वहां ऐसा ही रिश्ता निर्माण होता है जिस में ज्यादा सम्भावना होती है शादी होने की। तो भाई के साथ बहन का प्रेम होता है। दक्षिण भारत में ही नहीं उत्तर भारत में भी होने वाला दामाद प्यारा होता है। तो जहां भांजे के साथ बेटी की शादी होती है ऐसे घरानों में श्वसुर और दामाद के अन्दर प्रेम निर्माण होता है तो कोई आश्चर्य नहीं है, लेकिन सवाल यह है कि उस प्रेम को बढ़ाना है या घटाना है। अगर बढ़ाना है तो ऐसा मौका वहां नहीं आना चाहिये जिस की वजह से कोई कठिनाई आये। सरदार हुक्म सिंह साहब ने और दूसरे माननीय मित्रों ने इस पर बड़े जोर के साथ चर्चा की है कि इस की वजह से जो आज हमारे हिन्दू समाज की एकानामिक व्यवस्था है उस के अन्दर बहुत बड़ी अफरा तफरी होगी और जो बड़ी बड़ी जायदादें हैं उन के छोटे छोटे टुकड़े होंगे। बात दरअस्ल यह होती है कि जो बीमारी होती है उस के वास्ते इलाज सोचा जाता है। जो दवा सोची जाती है अगर उस के कोई दुष्परिणाम होते हैं, तो उन के लिये भी रास्ता निकाला जाता है। जो रास्ता निकाला जाता है उस की तरफ सरदार साहब ने अभी नहीं सोचा है। मैं एक छोटी सी बात कहता हूं। मैं आज देखता हूं कि हमारे देश में आने वाले समय में इस बिल के पास हो जाने से और जो इस प्रकार की विचार धारायें चल रही हैं उन में परिवर्तन होगा। वहां जहां एक तरफ दहेज प्रथा खत्म हो जायेगी दूसरी तरफ लड़की की शादी की उम्र बढ़ती जायेगी। साथ ही साथ लड़की की शादी के समय जब हम उसे कुछ प्रेजेन्ट्स देते हैं, साड़ियां, जेवर आदि, तो उसी समय अपने दामाद से, अपनी बेटी से अपनी जायदाद के बारे में हमें जो हिस्सा करना है उस को कर करा कर और जो देना है उसे दे दिला कर उन से

लिखा लेंगे कि उन को अब किसी तरह का अधिकार नहीं रहा है, और मैं समझता हूं कि यह चीज अगर हो जाय तो कोई बुराई नहीं है।

सरदार हुक्म सिंह: आप चाहते हैं कि आइन्दा के लिये पूरी जायदाद के हिस्से हो जायें?

श्री हेडा: मैं जो कह रहा हूं उसको अभी सरदार साहब ने पूरी तरह समझने की मेहरबानी नहीं की है। मैं जो कह रहा हूं वह यह है कि आज जो चीज मौजूद है, जिस में कोई बुराई नहीं है, उस का स्वरूप तकरीबन वैसा ही पड़ेगा। जो चीज खराब है, बुराई की है, उसका इलाज इस बिल के जरिये से करने की हम कोशिश कर रहे हैं। आम तौर से जो पिता फसाद दिल्ली से पेश आता है और काफी जायदाद देता है। उसके लिये कोई अड़चन पड़ने वाली नहीं है, न उसकी जायदाद के टुकड़े होने वाले हैं न उस के बेटे बेटी को ही आइन्दा किसी प्रकार की तकलीफ होने वाली है।

पंडित ठाकुर दास भार्गव: क्यों, २० बरस बाद क्या होगा?

श्री हेडा: शादी के वक्त ही सारी लिखा पढ़ी हो जायेगी, सारी बातें ठीक हो जायेंगी और किसी प्रकार की गड़बड़ी नहीं होगी। इसके अन्दर मैं जो चीज देख रहा हूं उसकी तरफ इशारा कर रहा हूं। आज होता यह है कि लड़का मौजूद है, पिता नहीं है। सवाल आता है कि वह बहन के साथ ठीक तौर पर बर्ताव नहीं करता। उसके लिये मुसीबतें होती हैं वह मुसीबतें दूर होनी चाहियें। उसके लिये जो रास्ता तय किया गया है वह रास्ता मौजूद है। तो मैं कह रहा था कि आज जो लोग अपनी बहन के साथ उचित बर्ताव नहीं करते हैं, न्यायानुकूल बर्ताव करते हैं और उनके अन्दर जो प्रेरणा होती है उस के अनुसार कार्य करते हैं। उनको किसी प्रकार का कष्ट इस बिल से होने वाला नहीं है। अलबत्ता जो लोग धन के लोभ से या और किसी कारण से ठीक प्रकार का बर्ताव अपनी बहन के साथ नहीं करते हैं उनके वास्ते इसके अन्दर इलाज करने की बात सोची गई है। तो मैं फिर से इस बात का अनुरोध करता हूं कि इस बिल के साथ यह समझ लिया गया है कि एक तरफ तो दहेज की प्रथा का नाश होगा और दूसरी तरफ शादी के समय लड़की की उम्र बढ़ती जायगी और इन दो चीजों के साथ देखने के बाद इस बिल में कोई खराबी नहीं होगी। इस की तरफ मैं संसद् का ध्यान दिला कर इस बिल का स्वागत करता हूं।

Pandit Thakur Das Bhargava *rose*|

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava has already spoken.

Pandit Thakur Das Bhargava: I do not want to speak on the Bill. I want to speak on my amendment.

Mr. Deputy-Speaker: I have already told hon. Members here that so far as extension of time is concerned, we may leave it to the House to decide as they like.

Pandit Thakur Das Bhargava: But I must give my reasons why this extension should be allowed. I have given my amendment only for this purpose of extending the time. I must state why the extension should be given. The period is too small.

Shri Nand Lal Sharma: When the amendment of the hon. Minister is allowed, the amendment of the hon. Member will be disposed of.

Pandit Thakur Das Bhargava: Already, the amendment has been allowed. When I moved the amendment, I submitted that I should be speak on his amendment to the amendment, I have no objection. He

Mr. Deputy-Speaker: I told another

The Minister of Commerce (Shri be short, he may be allowed.

allowed to speak on my amendment.

may speak for a few minutes.

hon. Member that I won't allow. If

Karmarkar): Since he is going to it is the desire of the House to allow Pandit Thakur Das Bhargava to

[SARDAR HUKAM SINGH *in the Chair*]

पंडित ठाकुर दास भार्गव: मैं इस बिल के उपर बोलने का कोई हकदार नहीं हूं इस लिये बिल के बारे में कोई बहस नहीं करूंगा कि आया इस बिल को क्या किया जाय, क्या न किया जाय। मैं जो अर्ज करना चाहता हूं वह यह है कि इस मुबाहसे में बहुत से मेम्बरों ने हिस्सा लिया है और मुझे यह कहने में जरा भी तामुल नहीं है कि ८० फी सदी से ज्यादा लोगों ने इस बिल की मुखालिफत की है। साथ ही हमारे पूज्य टंडन जी ने इस कदर मुखालिफत की, हम को यह भी प्रेरणा की कि हम इस बिल को सेलेक्ट कमेटी में न भेजें। मैं ने अपने सारे तजुर्बे में जब से मैं हाउस में हूं कोई इतना काम्प्लिकेटेड, इतना मुश्किल बिल नहीं देखा, जितना कि यह बिल है। यह बिल लाखों-करोड़ों आदमियों की जो सोशल कंडिशन्स हैं, इन्हेरिटेंस हैं, उन के ऊपर असर रखने वाला है। इस वास्ते मैं अर्ज करना चाहता हूं कि इस हाउस के सामने दो सवाल हैं। एक सवाल तो यह कि जो दफा ५ में हमारे मिनिस्टर साहब ने कहा कि यह मिताक्षर फैमिलीज को एप्लाई नहीं करेगा। जिस वक्त पाटस्कर साहब ने इस को पेश किया, उन्होंने कहा था कि मैं सेलेक्ट कमेटी में इस को दुबारा पेश करूंगा, जिस पर हमारे डिप्टी स्पीकर साहब ने फरमाया था कि इसके ऊपर दफा ५ में दर्ज है और दुबारा मजीद बहस नहीं की जा सकती और इस का स्कोप नहीं बढ़ाया जा सकता। अब मैं इस समस्या में पड़ गया हूं कि डिप्टी स्पीकर साहब ने जो रूलिंग दी या इर्शाद फरमाया या अपनी राय जाहिर की, हाउस उस का पाबन्द होगा या पाटस्कर साहब ने जो इस बिल को दूसरी शक्ल देने की बात कही है उसका पाबन्द होगा। यह फैसला सेलेक्ट कमेटी करेगी या यह सभा करेगी मुझे इस से मतलब नहीं है। मेरी नाकिस राय में या चेयर या हाउस स्कोप का फैसला कर सकता है। मैं तो सिर्फ यह अर्ज करना चाहता हूं कि इस पर ९ सितम्बर तक रिपोर्ट सेलेक्ट कमेटी नहीं दे सकती अगर हाउस ने इस बिल को सेलेक्ट कमेटी के सुपुर्द कर दिया, क्योंकि पहले हमारे पास कम्पनीज बिल मौजूद है, जिस कम्पनी बिल के श्री पाटस्कर साहब चेअरमैन थे। गवर्नमेंट चाहती है कि ९८ दिन तश्रीफ उसको दिये जायें इस लिये कि जब यह बिल दूसरे हाउस को जायेगा तो वहां भी इतना वक्त लगेगा। मैं जानना चाहता हूं कि कहां वक्त होगा सेलेक्ट कमेटी को मिलने का और सारे मसले को तय करने का। दूसरा सवाल यह है कि इस बिल का स्कोप बढ़ाने के बारे में कोई भी फैसला करें, लेकिन अगर गवर्नमेंट यह चाहती है कि इस बिल का स्कोप बढ़े तो यह बिल्कुल नावाजीब होगा कि सारे कंट्री को मौका न दिया जाय कि वह सेलेक्ट कमेटी के सामने अपना रेप्रेजेंटेशन करें और अपनी गवाही दें। हमारे श्री पाटस्कर साहब से जिक्र हुआ। उन की मंशा नहीं है कि जो सारे कंट्री की मर्जी है उसे स्टिइफल किया जाय, जिस के माने यह हैं कि गवाही ली जायेगी कि किस तरह से हिन्दू ज्वायंट फैमिली में किसी स्त्री को जायदाद में हक दिया जाय। अगर यह मसला रि-ओपेन किया तो रेप्रेजेंटेशन्स के फ्लड गेट्स ओपेन हो जायेंगे और तीन महीने में भी यह मसला तय नहीं हो सकेगा। मैं ने ९ दिसम्बर पेश किया है, लेकिन मुझे डर है कि अगर इसके अन्दर गवाही ली गई तो ९ दिसम्बर तक यह बिल देश के अन्दर जो मुश्किल पैदा करेगा उसका हल मालूम करना मुश्किल होगा। लेकिन मैं हाइलेटरी टेंडेंटक्स एंडाप्ट नहीं करना चाहता। अगर हाउस की मंशा है कि यह बिल पास हो तो मैं ऐसा नहीं चाहता कि यह बिल आवे ही नहीं क्योंकि मैं तो इस मत का हामी हूं कि औरतों को हक दे दिया जाय। मेरा और मिनिस्टर साहब का जो इख्तलाफ है वह सिर्फ मैनर का इख्तलाफ है। मैं चाहता हूं कि हमारे देश के जीवन के अन्दर औरतों को पूरी फानेनशल आजादी हासिल हो, कम्प्लीट इन्डिपेन्डेंस हासिल हो। लेकिन तरीके मुख्तलिफ हैं। इस वास्ते मैं इस हाउस से अर्ज करना चाहता हूं कि अगर आप चाहते हैं कि यह बिल सिलेक्ट कमेटी में जाए और वहां पर इस बिल पर

अच्छी तरह सोच विचार किया जाए तो मैं अर्ज करता हूं कि यह ६ सितम्बर की तारीख को बढ़ा दिया जाए। इस तारीख के रखने से कोई फायदा नहीं होगा क्योंकि हाउस से दो तीन एडजोर्न-मेंट्स लेनी पड़ेंगी। मैं मेम्बर साहिबान से अर्ज करता हूं कि इस बिल को वही अहमियत दी जाय जिसका कि यह मुस्तहिक है, यह कोई ऐसा वैसा बिल नहीं है, जिस की कि कुछ परवाह ही न की जाए, यह एक बहुत अहम बिल है। क्योंकि यह एक सोशल बिल है, इस वास्ते इसके बारे में कोई किसी किस्म का व्हिप भी पार्टी की तरफ से ईश्यू नहीं हुआ है। इन हालात में मैं निहायत अदब से अर्ज करना चाहता हूं और दस्तबस्ता प्रार्थना करता हूं कि अगर एज्य टंडन जी की आवाज के खिलाफ और यहां पर औरों की तरफ से इतनी अपोजीशन होने के बावजूद मेम्बर साहिबान इसको सिलैक्ट कमेटी में भेजना चाहें तो कम-से-कम इसकी मियाद के अन्दर इतनी तौसीह जरूर कर दी जिससे कि सिलैक्ट कमेटी में इस बिल के सारे पहलुओं पर और जितने भी प्वाइंट्स आफ व्यू रखे गए हैं उनके ऊपर अच्छी तरह से डिसकशन हो सके। अगर आप इस को सिलैक्ट कमेटी के सुपुर्द नहीं करना चाहते तो एज्य टंडन जी का डायरेक्शन हम सब के सामने मौजूद है और हम अपनी कानशेंस के मुताबिक अमल कर सकते हैं। अगर इस बिल को सिलैक्ट कमेटी में भेजने का फैसला किया जाता है तो यह जो ६ सितम्बर की तारीख रखी गई है इसको जरूर एक्सटैंड कर दिया जाए।

Shri Khardekar (Kolhapur cum Satara): I rise to support the Bill, but the passing of this Bill should have been a condition precedent to the passing of the Marriage Bill. We are unfortunately in the habit of putting the cart before the horse, but I may say better late than never. Marital rights and any rights regarding divorce are extremely dangerous unless and until they are backed by rights to property. To a woman without economic independence or means or marketable talent, a husband is more necessary than a master to a dog.

The controversy between the old and new has all along been there in regard to social legislation. This century characteristically has been known as the age of revolt, and I do not see how we can get away from it. I am not totally in favour of abrogating or completely cutting off from the past, but we cannot also stop the current or the flow of life, and when adjustments all round are going on even in social matters. it becomes very necessary that we should be on par with other things.

A good deal of heat was generated, I know, on that clause relating to alimony in the Marriage Bill. First of all, I want to talk about the word. Very clearly, the dictionary meaning of this word is maintenance allowance given by the husband to the wife, but here it seems that the wife also will have to give some maintenance allowance to the husband in certain cases. This is a brutality practised against the English language. The English have done us a lot of harm, but if they have done any good to us they have done it through their English language. All these ideas of political progress freedom, democracy etc. have come to us mostly through the English language. So this is a very vile kind of misuse that we are making of the language.

As regards the substance of that particular clause, I entirely agree with my learned friend, Pandit Tharkur Das Bhargava, that it would be not only shameless, but it would be most unmanly for any man to accept maintenance allowance from his wife, and if one were to accept such an allowance, I would have to say that the age of chivalry is gone, that of economists, calculators and unmanly men has succeeded and the glory of Hind has gone and gone for ever.

[Shri Khardekar]

Of course, there may be exceptional circumstances and cases where perhaps maintenance allowance may have to be given by a wife to a husband, but we do not make laws for exceptions. We may state the exceptions so that some provision may be made by way of exceptions. We are living in the twentieth century, the age of cinemas and the age of actresses, and a cat of an actress may capture a mouse of a man and play about with him. You know the husband in such cases is known not even by his name, but he is known as the husband of such and such actress, and then she is more a hunter and the poor thing is the hunted creature, and the game played is that of a spider weaving an alluring and attractive web, and the poor husband like a little insect or fly is caught in the net, and in such cases perhaps for a mouse of a man, but not for a real man, maintenance should be made to be given by the wife. This question is related to the share of a woman and hence important.

Then, I agree with my friend, Shri Murthy—why this half share and so on. But I am not a practical person. I think family people should be consulted whether giving half the thing is proper or not. But to me it seems a very half-hearted measure. We believe in democracy and equality, and if any preference is to be shown, I think chivalrously the preference should be in favour of the weaker sex (*An Hon. Member*: Weaker sex?) The weaker yet the better because fairer.

Beyond this I shall not say anything. Last time it was so clear that no time would be left this time, and so I came unprepared. Somebody said anybody might get a chance to speak and so I spoke.

Shrimati Maydeo (Poona South): I rise to congratulate our Law Minister, Shri Pataskar, on bringing this Bill so early in the House. The All-India Women's Conference also in its last session has passed a resolution congratulating the Government. I would like to read it

> "This conference congratulates the Government of India on the Hindu Intestate Succession Bill and considers it a step in the right direction. The conference, however,, strongly protests against the exclusion of Mitakshara joint family.... as it takes away from the Succession Bill the very basis of uniform code for the Hindus. It further recommends to the Joint Select Committee that sons and daughters should be given equal rights of inheritance. It further requests Government to expedite the passage of all the three bills on marriage, inheritance and guardianship during the term of the present Parliament."

I find that the Marriage Bill has already been passed, and the Hindu Succession Bill is on its way. The third bill also will come very soon. For that we would like to congratulate our Law Minister.

Then, I would like to touch on one or two points. Just now, some of our brother Members said that if a daughter is given a share in the property, then the affection between the brother and sister will be affected and there will be quarrels started even among brother and sister. But I would say that sisters will never accept such an affection from their brothers. If they only love property and not their sisters, then it would mean something which is not acceptable to their sisters.

The succession of a daughter arises only if the property is substantial or very big, and when there is a large property, the brother can share some of it with his sister. But supposing a farmer has got a very small property —only two bullocks and some bighas of land—then the brother will not

like to share some of it with his sister. And in that case, the sister also will be very sensible. This is an intestate succession Bill. That means the father has every right to will away his property to his sons or daughters. So, if his property is almost negligible, then, if he is learned, he will make a will. If he is illiterate, he might not make a will and may die intestate. In that case the daughter will not get a share, unless she goes to the court. She will not go to the court, because she would be much more sensible than her brothers, who in this House have been saying that there would be quarrels amongst brothers and sisters if the daughters were given a share in the property.

Another advantage of giving a share to the daughter would be that the dowry system which is hated by all women will disappear. The very idea of dowry is repugnant to a woman, because that is tantamount to selling away the girl to someone. So, the dowry system will gradually go away if woman is given a share in the property. This will also lead to the woman having a responsible place in the family. If the family knows that she has some share in the economic life of the family, they will pay heed to her word. She, on her part, would be prompted to contribute her share to the economic upliftment of the family.

This law would apply only to *daya bhaga* system and not to families governed by the *mitakshara*. In India almost two-thirds of the population is governed by *mitakshara* and if this measure does not apply to *mitakshara* system of joint family, it is not going to serve much useful purpose. We want the measure to be applied to the whole of the Hindu population and not merely to one-third of it. I would request the Joint Select Committee to make the necessary amendments to achieve this.

There may however be differences of opinion as to what share the daughter should be entitled to. Once the principle is conceded, it is clear that the daughter should be entitled to equal share with the brothers. Under our Constitution, women are enjoing equal rights with men and if we are going to enact laws according to the spirit of the Constitution, then the daughters should get equal share with their brothers. I am sure the Joint Select Committee will make the necessary amendments to secure this.

I would request brother Members to be more liberal, because by being liberal in their outlook, they would only be adding to the happiness of their family and not to the disruption of their families of which they are afraid.

Shri Sadhan Gupta (Calcutta South East): I rise to oppose the amendment moved by Pandit Thakur Das Bhargava. The reasons for my opposition are these.

This Bill, as it must be admitted by all sections of the House and people of all opinion, is a very important Bill and it is particularly important because it introduce for the first time the principle of giving rights to women, similar to those which have been given to men. They are not similar in all respects. I made my remarks on that while speaking on the Bill, but the fact remains that this is a Bill which will lead to a great improvement in the status of women. Therefore, a Bill of this kind should be passed with the utmost possible expedition.

Now we have waited very long for a measure of this kind. This has been before Parliament in the form of the Hindu Code Bill for years together and it has eluded all attempts to enact it in the form of an Act. I am entirely opposed to any further delaying by the sort of amendment proposed. I do not see why this kind of amendment should be necessary—why this extension of time should be necessary. After all there are only three questions involved in connection with the consideration of this Bill by the Select Committee: First of all, whether this Bill would be applicable to *mitakshara* joint families; secondly, what would be the share of succession of a daughter; and

(Shri Sadhan Gupta)

and thirdly whether the daughter should be given any share in succession at all. These are the three questions which would have to be considered by the Select Committee.

Pandit Thakur Das Bhargava argued that there is no time to consider this question, if it is to report by the 9th of September. I differ with him for this reason. Now, although this Bill has come for the first time before this House, the measure is not a new one. It has been before the country in the shape of the proposals of the Rau Committee: a Bill was then formulated; it was referred to a Select Committee; the Select Committee had reported on it; evidence was taken on all the provisions. So, there is not even the question of taking of evidence which normally a Select Committee has to. With these materials ready before it, all that the Select Committee has to do is to consider them and to come to its own conclusions. Ninth of September is a long enough time to come to such a conclusion.

Now what would be the result of Pandit Thakur Das Bhargava's amendment? He suggests 9th December. Ninth December would be near the end of the next session, That means the Bill would not be taken up not only during this session, but also next session and it would probably have to wait its chance during the next Budget session at the earliest. Now that is too great a delay. That is not a thing that our sisters should be asked to keep up with and I would urge this House to reject the amendment and to remove any source of delay in passing the Bill. Pandit Thakur Das Bhargava has assured us that his his intentions are not to delay the Bill. Now, I take him at his word. But he would certainly see that the effect of his proposal—whatever his intentions may be—would be to delay the Bill enormously, by a year or so.

Shri Nand Lal Sharma rose—

Mr. Chairman: I am sure the hon. Member has not spoken?

Shri Nand Lal Sharma: I am not going to speak on the Bill, but only on the amendment,

Shri Karmakar: That is a new technique!

Shri Nand Lal Sharma: I am not going to speak on the merits of the Bill.

मैं दो शब्दों में ही स्पष्ट रूप से श्री भार्गव के संशोधन का समर्थन करने के लिए खड़ा हुआ हूं और सम्भवतः मुझे खड़ा होने की आवश्यकता न होती यदि उसका विरोध हमारे कम्यूनिस्ट सदस्य के द्वारा न किया जाता। हम पहले ही जानते हैं कि हमारे कम्युनिस्ट भाई क्यों ऐसे कार्यों में विशेष मन लगा कर काम करते हैं। उनका उद्देश्य और नियम ही यह है कि किसी न किसी प्रकार भारतीय सभ्यता और संस्कृति को उखाड़ कर फेंक दिया जाय और जहां भी उनको ऐसा अवसर मिल जाता है, वे तत्काल उसे पकड़ने की चेष्टा करते हैं।

Mr. Chairman: Would it not be better if the hon. Member takes up the merits of the motion?

श्री नंद लाल शर्मा: मैं उसी के बारे में निवेदन कर रहा हूं।

हमारे भाई श्री साधन गुप्त ने कहा है कि "इट इज ए वैरी इम्पार्टेन्ट मेजर"। यदि वह वस्तुतः इसको ऐसा ही समझें और इसको हिन्दू जाति के जीवन मरण का प्रश्न समझें, तो मेरा विचार है कि तब वह इस प्रकार के कानूनों को पास करने में इतनी भाग दौड़ न करें। पंडित ठाकुर दास भार्गव ने रिपोर्ट के ९ सितम्बर तक दिये जाने का जो विरोध किया है, वह बिल्कुल उचित ही है। इस अवधि में सदन अपने काम में निरन्तर लगा रहेगा। कम्पनीज बिल हमारे सामने हैं। उसका भी कार्य ६ मास तक चलने वाला है। यह सब रहते हुए भी हिन्दू सक्सेशन बिल पेश है। लगभग लाखों वर्षों बाद हम इसका परिवर्तन करने के लिए तैयार हो रहे हैं। सभापति महोदय ने और अन्य माननीय सदस्यों ने भी इस विधेयक के गुण दोषों पर विचार करके त्रुटियों की ओर

ध्यान दिलाया हैं और यह बतलाया हैं कि यह कितने भयंकर परिणामों से भरा हुआ हैं। इतने पर भी न सदस्यों को और न जनता को इस पर विचार करने का अवसर दिया जाता हैं। जल्दी करने से समाज के लिये भयंकर परिणाम हो सकते हैं। इसलिये मैं चाहता हूं कि जैसी कि टंडन जी की राय हैं इसको जनता के पास जनता के विचार जानने के लिये भेजा जाय, लेकिन अगर इसको कमेटी के ही सामने जाना हैं तो उसके सदस्यों को यह अवसर दिया जाय कि वे उसके सारे गुण दोषों पर विचार कर सकें।

इन शब्दों के साथ मैं इस संशोधन का समर्थन करता हूं।

श्री हेमराज (कांगड़ा): जो विधेयक हाउस के सामने पेश हैं, इसमें जहां तक स्त्रियों को पूर्ण हुकूक देने का सवाल हैं उस पर तो मेरा ख्याल हैं कि कोई भी खिलाफ आवाज नहीं उठावेगा। लेकिन एक सवाल उठता हैं, और वही झगड़े वाली चीज हैं। वह सवाल लड़की को हुकूक के बारे में हैं। जैसा कि पंडित ठाकुर दास जी भार्गव ने अपना ख्याल आपके सामने रखा था, सवाल यह नहीं हैं कि लड़की को हुकूक मिलने चाहियें, पर सवाल यह हैं कि उसको वह हुकूक कहां पर मिलने चाहियें। उन्होंने फरमाया हैं कि अगर उसको वह हुकूक बाप के घर में दिये जाएंगे तो उसका क्या परिणाम होगा। जिस समय आप तकरीर फरमा रहे थे तो आपने भी पंजाब के बारे में खास तौर पर फरमाया था। मैं भी वही चीज हाउस के सामने रखना चाहता हूं।

हमने देखा हैं कि गांवों में जहां पर छोटी छोटी मिल्कियतें हैं वहां इस बात पर झगड़ा नहीं होता कि पांच सौ एकड़ों जमीन हैं उसमें से १०० एकड़ों चली गई लेकिन वहां पर तो छोटी छोटी चीजों पर जैसे गड्ढे पर या गिलास पर झगड़े हो जाते हैं। जब लड़की को उसके बाप के घर में हक्क मिलेंगे तो उसका परिणाम यह होगा कि आज घरों में जो शान्ति और प्रेम हैं वह तबाह हो जावेगा। हम देखते हैं कि जब दो बीघा जमीन के लिये भी झगड़ा होता हैं तो दोनों फरीक वहां ऐसे आदमी को बसाने की कोशिश करते हैं कि जिससे दूसरे फरीक को शिकायत का मौका बना रहे। आज आप देश में यह चाहते हैं कि फ्रेग्मेंटेशन आफ होल्डिंग्स न हो और कंसालीडेशन आफ होल्डिंग्स हो। आप इस तरह का लैण्ड रिफार्म करना चाहते हैं। लेकिन जो विधेयक आप ला रहे हैं उसका नतीजा क्या होगा। इसका नतीजा यह होगा कि जहां आप चाहते हैं कि कंसालिडेशन आफ होल्डिंग्स हो वहां फ्रेग्मेंटेशन आफ होल्डिंग्स होगा और हर एक घर में लड़ाई होगी। मैं मिसाल के तौर पर कहता हूं कि एक लड़की ससुराल में भी हिस्सा लेगी और अपने बाप के यहां भी हिस्सा लेगी। इससे एक तरफ तो उसके ससुराल के घर में फ्रेग्मेंटेशन आफ होल्डिंग्स होगा और दूसरी तरफ उसके बाप के घर में भी फ्रेग्मेंटेशन आफ होल्डिंग्स होगा। बजाय एक जगह फ्रेग्मेंटेशन होने के दोनों जगह फ्रेग्मेंटेशन होगा। जो विधेयक इस समय हाउस के सामने पेश हैं उसका नतीजा यह होगा कि फ्रेग्मेंटेशन आफ होल्डिंग्स के लिये एक नई जगह पैदा हो जायेगी: इससे हर घर में फिसाद की जड़ पैदा हो जायेगी और घर घर में लड़ाई हो जाएगी।

अभी हम देखते हैं कि भाई भाई में झगड़ा होता हैं। लेकिन इस विधेयक से झगड़ों की एक और बिना पैदा हो जाएगी जिसका नतीजा यह होगा कि किसी भी घर में प्रेम और सुख शान्ति कायम नहीं रहेगी। इसलिये जो चीज पंडित ठाकुर दास जी भार्गव ने हाउस के सामने रखी हैं, कि उसको कहां हिस्सा मिलना चाहिये, वह बहुत ही जरूरी हैं। मैं भी सदन के सामने यह प्रार्थना करता हूं कि जिस वक्त यह बिल सिलेक्ट कमेटी में जाय तो इस पर जरूर गौर किया जाए कि लड़की को कहां हिस्सा मिलना चाहिये। इससे तो किसी को इख्तिलाफ नहीं कि लड़की को हिस्सा मिलना चाहिये। सब कहते हैं कि जरूर मिलना चाहिये। कितना मिलना चाहिये, यह सिलेक्ट कमेटी के गौर करने की बात हैं। लेकिन किस जगह मिलना चाहिये इस पर उसे बहुत गौर से विचार करना चाहिये।

[श्री हेम राज]

मैं सदन से प्रार्थना करूंगा कि इस बात को खास तौर से ख्याल में रखा जाय।

कुछ माननीय सदस्यों ने यह कहा, और श्री हेडा जी ने भी यह कहा, कि शादी होगी उसी वक्त हिस्से के बारे में फैसला कर लिया जाया करेगा और विरासत कर दी जाया करेगी और उसके मुताल्लिक कोई न कोई तहरीर हो जायगी। शायद आप जानते हैं कि हिन्दुस्तान में ८० फी सदी जनता अनपढ़ है। क्या आप समझते हैं कि ऐसे लोग शादी के वक्त वकीलों को अपने घर ले जाएंगे। अगर यह कानून बन गया तो गांवों में हर घर में यह एक नई बीमारी पैदा हो जाएगी। जहां शादी होने लगेगी वहां एक और विरासत का झगड़ा खड़ा कर दिया जाया करेगा। हमको कानून बनाते वक्त यह देखना चाहिये कि जो कानून हम बनाने जा रहे हैं उससे हम झगड़े तो पैदा नहीं कर देंगे। हमें तो ऐसे कानून बनाने चाहियें जिनसे कि सुख और शान्ति बढ़े न कि ऐसे कानून कि जिनसे सुख और शान्ति की जगह लड़ाई और झगड़े पैदा हो जायं। हम देखते हैं कि यह जो विधेयक पेश है इसमें जिस तरीके से लड़की को जायदाद दी जायगी, उससे सुख और शान्ति के बजाय लड़ाई झगड़े पैदा हो जाएंगे।

यह ख्याल किया जा रहा है कि ऐसा करने से लड़की को इकोनोमिक इंडिपेंडेंस मिल जाएगा। जो मैंडेड आपके सामने ससुराल के घर का रखा गया है, क्या उससे लड़की को इकोनोमिक इंडिपेंडेंस नहीं मिलेगी। क्या यह जरूरी है कि अगर लड़की को उसके बाप की जायदाद में हिस्सा न दिया जाय तो उसको इकोनोमिक इंडिपेंडेंस नहीं मिलेगी। जिस वक्त उसको अपने ससुराल की जायदाद में हिस्सा मिलेगा तो उससे भी उसको इकोनोमिक इंडिपेंडेंस मिल जाएगी। यह जो आर्ग्युमेंट दिया जाता है कि उसको बाप की जायदाद में ही हिस्सा दिया जाय, मैं समझता हूं कि यह फैलेशस है और यह काबिले गौर नहीं है।

इन अल्फाज के साथ मैं जहां इस बाकी विधेयक को सपोर्ट करता हूं वहां मैं इसके उस हिस्से को अपोज करता हूं जिसमें लड़की को बाप की जायदाद में हिस्सा देने की शर्त रखी गई हैं और मैं उम्मीद करता हूं कि सिलेक्ट कमेटी भी इस पर गौर करके इसमें मुनासिब तरमीम करेगी।

पंडित डी० एन० तिवारी (सारन दक्षिण): सभापति जी, मुझे बोलना नहीं है, केवल एक बात आपके ध्यान में लानी है। मैंने एक अमेंडमेंट दिया है, उसको ऐसे ही पेश समझा जाएगा या मुझे उसको पेश करना पड़ेगा।

सभापति महोदय: आपने अमेंडमेंट कब दिया है?

पंडित डी० एन० तिवारी: अमेंडमेंट तो मैंने परसों दिया था और वह छप भी गया है।

सभापति महोदय: आप उसको पेश कर दीजिये और उस पर थोड़ा अगर बोलना चाहें तो बोल भी सकते हैं।

पंडित डी० एन० तिवारी: मैं सिलेक्ट कमेटी में हूं, इसलिये मुझे बोलने की मुमानियत है।

सभापति महोदय: कोई पर्वाह नहीं, आप थोड़ा बोल सकते हैं।

Pandit D. N. Tiwari: I beg to move:

That at the end of the motion, the following be added:

> "This House further recommends to Rajya Sabha that the said Joint Committee be instructed to report on or before the last day of the first week of the next session".

मैंने जो अमेंडमेंट दिया है उसमें यह है कि ६ सितम्बर के बदले आगामी संशन जो होगा उसके पहले सप्ताह के आखिरी वर्किंग डे को रिपोर्ट पेश की जाए। मैं समझता हूं कि ६ सितम्बर को शायद हम लोग इस पर पुनर्विचार नहीं कर सकते हैं। यह मामला बहुत अहम है और इस पर हम लोगों को हर प्रान्तों की बातों को जानना होगा कि कहां क्या सिस्टम है और

कहां कौन सा सिस्टम जारी है, उसको भी देखना है, इसमें टाइम लगेगा और जल्दी जल्दी इस महत्वपूर्ण बिल पर विचार करना और उसको पास करना उचित नहीं होगा। इसलिये मैं बिल की मेरिट्स और डिमेरिट्स पर नहीं बोलना चाहता। मैं चाहता हूं कि ९ सितम्बर के बदले या तो भार्गव साहब का जैसा अमेंडमेंट है कि ९ दिसम्बर मान लिया जाय। चूंकि भार्गव साहब के प्रस्ताव को मानने में दिक्कत होगी, उस सेशन में भी शायद यह पास नहीं हो सकेगा, इस वजह से इसको मानने में दिक्कत हो सकती है। मैंने जो अमेंडमेंट दिया है उसके मुताबिक यह आगामी सेशन में पास हो सकता है क्योंकि मैंने अपने संशोधन में इस पर आगामी सेशन के पहले सप्ताह के आखिरी वर्किंग डे तक रिपोर्ट पेश करने की बात कही है और इस तरह हमारे पास एक डेढ़ महीना बच रहेगा और उसमें हम इसको बहस करके पास कर सकते हैं। यही मेरा संशोधन है कि आगामी सेशन के पहले सप्ताह के आखिरी वर्किंग डे में यह रिपोर्ट पेश की जाय।

Mr. Chairman: Amendment moved:

That at the end of the motion, the following be added:

> "This House further recommends to Rajya Sabha that the said Joint Committee be instructed to report on or before the last day of the first week of the next session.'

श्री तेलकीकर (नान्देड): मुझे इस बिल पर बोलने की ख्वाहिश नहीं थी लेकिन मैंने अभी कुछ स्पीचेज गौर से सुनीं। हमारे दोस्त हेडा साहब ने फरमाया कि इसमें दिक्कत यह होगी कि लड़की को मां बाप की जायदाद में हिस्सा मिलेगा और पति की जायदाद में भी मिलेगा और यह उनकी निगाह में कुछ ठीक नहीं जंचता। इसी तरह से एक साहब ने यह फरमाया कि हम यह सिद्धान्त तो जरूर मानते हैं कि लड़की को जायदाद में हिस्सा मिलना चाहिये लेकिन उनकी दिक्कत यह है कि वह कितना मिलना चाहिये और कैसे मिलना चाहिये और किस की विरासत में से मिलना चाहिये, पति या पिता की जायदाद में से मिले या और किसी दूसरे की जायदाद में से हिस्सा मिले। मैं समझता हूं कि जहां लड़की पैदा हुई है यानी अपने बाप की विरासत में से उसको हिस्सा मिलना चाहिये। जिस तरह से लड़के को अपने बाप के खानदान में हिस्सा मिलता है, उसी तरह से लड़की को भी मिले तो मैं समझता हूं कि कोई दिक्कत पैदा नहीं होगी। हां फर्क किया जाय तो जरूर दिक्कत होगी लड़की को उसके बाप के खानदान से हिस्सा मिलता रहना चाहिये। उस लड़की को उसके पति के मरने के बाद अपने ससुराल से हिस्सा नहीं मिलता, बल्कि पति की जायदाद से हिस्सा मिलता है। वही कैफियत लड़के की भी होती है। लड़के को पहले बाप के खानदान से हिस्सा मिलता है और अगर उसकी बीवी मर जाती है तो उसके बाद बीवी की जायदाद का वारिस शौहर होता है। जिस तरह से बेटे को अपने बाप की जायदाद में हिस्सा मिलता है उसी तरह से अगर बेटी को हिस्सा अपने बाप की जायदाद से मिलता है तो क्या हर्ज है और मसावी तौर पर जो कैफियत लड़के की होती है वही लड़की की भी होती है, इसलिये किसी के साथ अन्याय नहीं होता। मैं समझता हूं कि लड़की को भी बाप की जायदाद में हिस्सा मिलना चाहिए और मसावी तौर पर मिलना चाहिये। यह हमेशा देखने में आया है कि जब कोई नई चीज सामने आती है तो उसकी मुखालफत होती है और हमने देखा कि इसके सिलसिले में भी कुछ लोगों ने मुखालफत की, साफ साफ तो नहीं की, हां घुमा फिरा कर अपने एतराजात पेश किये। टंडन जी इसके सख्त मुखालिफ पाये गये और वह तो चाहते हैं कि यह बिल ही नहीं आने पाये। यह जो इस बिल के सिलसिले में हम मुखालफत देखते हैं वह कोई नई चीज नहीं है, यह हमेशा देखा गया है कि कुछ लोग ऐसे होते हैं जो हमेशा नई चीजों की मुखालफत करने की कोशिश किया करते हैं। मैं तो समझता हूं कि जिन्दगी की अलामत बदलना है। और देश और समाज व्यवस्था को जमाने के साथ साथ बदलते रहना चाहिये। आज यह अमर वाकया है कि सारे लोग चाहे वह इस बिल के मुखालिफ हों या इस

[श्री तेलकीकर]

की ताईद में हूं, यह जरूर कहते हैं कि यह अन्याय है कि लड़कियों को एकोनोमिक इंडिपेंडेंस न हो और मानते हैं कि लड़कियों को अधिकार मिलना चाहिये लेकिन उस सम्बन्ध में अपनी दिक्कत जाहिर करते हैं कि उसको कहां कहां से और कितना कितना हिस्सा मिलना चाहिए।

इसके अलावा एक दूसरी बात यह कही जाती है कि लड़कियों को बाप की जायदाद में हिस्सा देने से भाई बहनों में झगड़े पैदा होंगे, मुकदमेबाजी की नौबत आयेगी और आज के दिन जो भाई बहन में प्रेम है वह कायम नहीं रह सकेगा। भाई भाई में झगड़ा और मुकदमाबाजी होना तो हम बुरा नहीं समझते लेकिन भाई बहन में यह झगड़ा खराब होगा। अगर हिस्सा छोड़ने से ही मुहब्बत कायम रह सकती है तो बजाय लड़कियों को उनके हक से महरूम करने के मैं तो कहूंगा कि लड़के ही अपने हक से दस्तबरदार हो जायें ताकि मुहब्बत कायम रख सकें। मुहब्बत के नाम पर बहन को उसके हिस्से से महरूम रखना गलत है और यह एतराज कोई वजन नहीं रखता। शुरू में जब भी कोई नया सुधार का कदम उठाया जाता है तो उसमें दिक्कत मालूम होती है और उसकी मुखालिफत भी होती है लेकिन बाद में दिक्कत कम होती जाती है और मुखालिफत भी खत्म हो जाती है। लिहाजा जिस तरह से यह चल आया है बहुत सही आया है और मैं इसकी पुरजोर ताईद करता हूं।

Shri Pataskar: I moved this motion on the 5th May 1955. The discussion continued on the 7th May. Thirty-six hon. Members took part in the discussion on the motion during those two days and today 16 Members have taken part in the discussion. It can, Therefore, be easily seen that the matter has been thoroughly discussed from almost every point of view. This Bill was first published in the Gazette of India for eliciting public opinion on the 26th May 1954. It was circulated for elicting public opinion thereon. We received numerous opinions and suggestions which are published in the form of papers Nos. I to IV. Subsequently, we also obtained the opinions of State Governments in the matter. I have already referred to them in detail at the time when I moved this motion. The Bill, after receipt of these opinions, was introduced in the Rajya Sabha on 22nd December 1954 and the motion to refer this Bill to a Joint Committee was moved in that House on the 22nd March 1955. The motion was discussed there and passed almost with unanimity.

The subject-matter of this Bill has been before Parliament and the public in one form or other since the year 1937. I have already referred in detail to the stages through which this matter passed during the last 18 years I am fully aware and conscious of the different and divergent views which have been expressed regarding this matter during all these years, and I am also aware of the strong feelings and sentiments, diametrically opposed to each other, which different sections entertain regarding this matter. I fully realise that the measure which I have placed before the House is a very important one. Some hon. Members seem to think that this matter is being treated rather lightly either by me or by the Government. This is, to say the last, a wrong and unwarranted impression. I can assure them that our approach to this problem is one of utmost gravity. We have given very careful earnest and prolonged consideration to all sides of the question and have taken note of all the varied objections that have been raised and the numerous suggestions which have been made during the last so many years regarding this matter. As for myself, I can assure all Members irrespective of party or sectional consideration, that I shall give my very best and careful thought to all the suggestions that have so far been made or received. Some hon. Members seem to think that we are rushing the measure with

undue haste and without proper regard to the consequences that may flow from the passing of this Bill. There are others who have become impatient on account of the delay that has already occurred due to circumstances which I have already mentioned when I moved this motion last time. I respect the sentiments and feelings on both sides. I am not actuated by any such feelings and sentiments in one side or the other in this matter. I look at the problem not from the merely sentimental point of view. I have already appealed to Members of this House when I moved the motion to consider this measure dispassionately.

3 P.M.

From the discussions which have already taken place on this matter, the necessity for a measure like this seems now to have been conceded in a large measure. This problem is a very old one and it is hanging fire for so many years past. It has now become imperative that the question must not be left undecided for any length of time. The fast-changing conditions—social economic and political—in the country require that we should decide this matter without any further delay. In a matter like this whatever we decide cannot find favour with everyone concerned; all the same, our effort must be to approach the question in a spirit of justice and fairplay to all the components of our social life. Several hon. Members in this House and some others outside have warned me to handle the matter cautiously and I can assure them that the matter is being so handled and will continue to be so handled.

Some hon. Members have chosen to suggest that this was a party measure and from that point of view those who are opposed to us on party considerations have thought it fit to suggest that we are trying to force this measure on the public on the strength of the majority which our Party has got in this House. This is not only far from truth but the charge cannot be justified for the simple reason that what is being tried to be done by this Bill is being attempted to be done since the days when Congress had nothing to do with the administration of the country and the Congress Party had no parliamentary majority. It was a private Member from Bengal—Shri Akhil Chandra Dutta—who first mooted this question of right of inheritance to a daughter in 1937 by introducing a Bill in the then Central Legislature. This matter had been under active consideration of eminent Indians who formed the Rau Committee under the Chairmanship of late Sir B. N. Rau, one of the most eminent jurists which India has produced. Congress Party as such had nothing to do with it then nor were all those people and many others who took interest in this matter were Congressmen. This charge, therefore, that the Bill has been prompted by party considerations is, as I have said, unjustified.

Then, again, some hon. Members have thought it fit to remark that those responsible for bringing this measure forward are persons who had no knowledge of the existing conditions of society in our country. I can only say that whatever justification there might have been for such a charge against a foreign government, it is wholly unmerited and fantastic as against a government which represents the majority of the elected Members of this House, which again, it must be remembered, is elected on the basis of adult franchise. I will humbly urge to those Members who have taken upon themselves the monopoly of knowing rural conditions that most of us are equally aware of those conditions and will always take them into account along with other considerations in the best interest of society as a whole. I would request them to give up this monopolistic attitude.

I was pained to listen to some hon. Members who thought that we are trying to push through this measure not because we believe in it, but because of the wish or wishes of some other persons. I strongly refute any such suggestion. It is not in the best interest of parliamentary practice

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that Members, while discussing a grave matter of this importance, should support their views not by cogent and rational arguments but by imputing such motives to those who do not agree with them. Every one of us should always try to avoid this method. Some hon. Members have even gone to the length of threatening us that this will lead to the fall of this Government. I can inform them in all humility that in the course of carrying out our duties in which we honestly believe, we shall not be deterred by any such threats and warnings. They should better be avoided. I would once again appeal to hon. Members, to whichever party they might belong, to consider this Bill dispassionately and then come to a decision as to what we should or should not do, and that too from the sole point of view of the progress of society in all its aspects—social, political and economic. I would appeal to them to follow the golden advice of not discarding anything merely because it is old, nor refusing to make a change in the old and adopt the new because it is new. Whenever circumstances and conditions justify the change, such a change has to be accepted. This is an old and wholesome rule. We should examine every question with a fresh and unbiased mind and in a rational way. Our revered colleague, Shri Purshottamdas Tandon, has very rightly advised us to examine the question from this standard and though our conclusions may differ. I agree that that is the right approach to the solution of a question like this.

There are various general objections raised in respect of this question. I shall now deal with them.

[MR. DEPUTY-SPEAKER *in the Chair*.]

The first is: Why are we legislating only for Hindus and bring forward a Bill for succession applicable only to Hindus? Why should we not have brought forward a Bill which would apply to all Indians? And the question is posed that this is not consistent with the provision in article 44 of the Constitution, which says that the State shall endeavour to secure to the citizens a uniform civil code throughout the territory of India. It is true that our ultimate aim must be —as mentioned in that article—to secure a uniform civil code throughout the territory of India. But the article itself says that that must be our endeavour and we have, therefore, to look at this question from the point of view as to whether this is or is not an endeavour in that direction. Confining ourselves to the most controversial question in this Bill of the right of succession to be given to a daughter, is it not true that, except among those classes who are included among the term 'Hindu', the rest of the people are already governed by rules of law which give inheritance to a daughter? And if in the case of these classes who do not give her such a right we bring forward a legislation to do so, I would ask Members to consider whether it is or is not an endeavour in that direction. Similar is the case with the question of abolition of what is known as the "limited estate" of a woman. This feature peculiar to the law applicable to those who come under the term "Hindu" and, therefore, to bring in legislation to remove this anomaly is most certainly an endeavour in that direction. I am sure that if we can enact a proper and suitable law regarding this right of succession amongst Hindus, removing all its anomalous features, time will not be distant when the goal of having a uniform civil code as envisaged in article 44 will be reached.

One important factor to be noted in this connection is that this Bill, like the Hindu Marriage Bill, which was recently passed, tries to include in its scope different classes of persons who have come to be described as "Hindus" and who form nearly 85 per cent. of the population of this country. If we can frame a suitable piece of legislation applicable to such a vast majority of the people, I would ask every single hon. Member to consider dispassionately whether this is or is

not an endeavour in the direction of making one, uniform civil code which might be made applicable to all the citizens of this country. There is, therefore, no force in the argument advanced on this ground by some of the hon. Members. If they are really in favour of having one law for all the citizens of this country, they should not and must not consistently with reason object to a law which strives to bring within its scope, for the time being, at least 85 per cent. of the people. We are not in any way defying the principles of the Constitution, and it would be wrong to call this a piece of communal legislation. It is only those who are observed with a very sensitive feeling of communalism who make such a charge against this piece of legislation. It only reflects their own mental attitude.

Many people have taken exception to the very title of the Bill, which is the 'Hindu Succession Bill'. This phrase is not our innovation. Different modes of succession, inheritance, etc., have become applicable as a result of numerous decisions of different courts in India to certain categories of people during the last century and more of British rule. They differ in their forms of worship which alone I regard as matters of religion. But they were put into one category under the name Hindus. They include Jains, Sikhs, Shaivaits, Vaishnavaits and so on. All these came to be described as Hindus and the law applicable to them as Hindu Law. In this legislation we have only adhered to the same nomenclature for all those categories of people who have come to be so described during the last hundred years and more. The word "Hindu" here does not signify any particular religion; it is a nomenclature, as I said, given to particular categories of people for purposes of personal law which includes law of succession and inheritance. Being a recognised terms for that purpose it is used advisedly in this piece of legislation. The word 'Hindu' does not denote any particular religion or any form of worship nor does it denote any particular community; it applies to so many diverse people.

Another general objection that was raised was: why is it necessary to change or modify the present Hindu Law which is being applied to Hindus. Now, it is well known that every system of law must be certain, simple, definite, uniform, easily understandable and clear in its expression. Let us examine whether the present law of succession as applicable to Hindus conforms to any of these principles. The present law makes a distinction between the so-called *Sudra* on the one hand and the three regenerate classes on the other. An illegitimate son of a *Sudra* can get a share in the property left by his father, while in the case of an illegitimate son of the three regenerate classes, he is entitled only to maintenance. Then, again, the word "Sudra" has not got the same connotation throughout India. A *Kayastha* is a *Sudra* in Bengal, but he is a *Kshatriya* in U.P. and Bihar and thus belongs to the regenerate class there. Some sections of Marathas are *Kshatriyas* in Bombay and therefore belong to the regenerate class, but the family of the Rajas of Tanjore (the family of the Great Shivaji) are not regarded as *Kshatriya* in Madras. Is it or is it not necessary that in the present conditions of society we must do away with all distinctions of this type which are humiliating to certain classes of people? Shall we allow one law of inheritance for *Sudras* and another for non-*Sudras* at least as in this particular case and perpetuate the distinction on the ground of caste.

The present Hindu Law is also not uniform in its treatment of sexes. It discriminates between a man and a woman with regard to their property rights. A Hindu male has absolute power over the property inherited by him, but a Hindu woman gets only a limited interest in the property which she may inherit either from her father or husband. Again, that itself is not uniform because in the State of Bombay a daughter succeeding to property which she inherits from her father gets an absolute interest in that pro-

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perty; but it is not so in the other parts of India. This character of the woman's estate being limited has led to numerous complications and has been the cause of and a fruitful source of litigation. The absolute bar to the right of a woman to alienate the property inherited by her has been softened by decisions which lay down that she can do so for legal necessity. What is a legal necessity has again been a matter of ambiguity depending upon numerous circumstances; and in this matter also the decisions of the various High Courts are not uniform. For instance, it has been recognised that a Hindu widow has the right to alienate the property for any religious or charitable purpose; but the decisions of the High Courts are not uniform on this point. While the High Court of Bombay has held that a pilgrimage to Pandharpur was to further the spiritual benefit of the deceased husband of the widow, the Calcutta High Court has held that a pilgrimage to Benares was not such an act. Then again on account of the theory of the estate of a woman being a limited estate, a device had to be found to treat some category of her estate as *astridhan* estate over which she can have absolute power of disposition. This also as is well known has again become a fruitful source of costly and ruinous litigation. Is it or is it not therefore necessary that we should abolish what is known as the limited estate of a woman amongst these categories of people? Is it not necessary that we should also try to have one uniform law of succession for all these categories of people and that in the matter of inheritance we should do away with the distinction between a daughter and a son? In fact, while the hon. Shri Chatterjee thundered against us because we did not immediately introduce a uniform civil code applicable to all Indians as recommended by article 44 contained in the chapter of the Directive Principles of State Policy he seemed to show very scant regard or no regard at all for what has been laid down as one of the Fundamental Rights in our Constitution. Article 15 is not merely recommendatory, but it definitely lays down that no citizen shall on ground only of sex be subject to any disability. Can we, in view of this definite provision try to perpetuate a disability on the ground of sex which women are subject to under the present system of Hindu Law? Is it not subjecting a daughter to the disability on the ground of sex to deny her the right of inheritance to her father's property, while conceding it to her brother who inherits as son, to the exclusion of the daughter?

Shri Nand Lal Sharma: You are legislating on the ground of religion.

Shri Pataskar: Again, the present Hindu Law regarding succession and the right to property of a woman is not on a uniform basis throughout India. There is no one system of Hindu Law applicable to the whole of India. There are so many schools. The principal schools are the mitakshara and the dayabhaga. Mitakshara again has four sub-schools the Benares School, the Mithila School, the Dravid or Madras School and the Maharashtra School. This difference in Schools which is applicable to different parts of India has given rise to different and conflicting decisions of various courts. In its present state, the Hindu Law as now administered is not the law of the ancient law-givers: it is only a law which is the result of judicial decisions. Our friend, Shri Nand Lal Sharma is still under the wrong impression that the present Hindu Law is the law as laid down in the ancient *shastras*. In the first place the ancient *shastras* cover a very long period of history. The Vedic period, the period of Manu, the period of Yajnavalkya, the period of Narada, the period of Brihaspati and the periods of other ancient sages are separated from each other by centuries. Their *shastras* differ according to the different conditions prevailing in those times.....

Shri Nand Lal Sharma: That is your interpretation.

Shri Pataskar: The rules to resulate dealings between man and man as laid

down by these *Shastrakars* naturally varied from time to time according to the needs of the then society. The present Hindu Law is the law settled by judicial decisions and in most cases tried to be settled on the basis of *shastras* which had ceased to be applicable by lapse of time. The Judge who settled it decided it on the advice of *pandits*. In fact it is thus a law settled by lawyers who did not know sanskrit and by sanskritists who did not know law. In fact as far back as 1877 an eminent jurist found that judicial decision in Hindu Law took the form of deciding not what the law ought to be but what it was supposed to be according to the interpretation of some ancient texts or forgotten phrases of society unmodified by contemporaneous opinion. The continuance of this unsatisfactory state of affairs is due to the rule of a foreign Government which for historical reasons was afraid to make one uniform personal law applicable to all these people and which Government in its very nature was not interested in consolidating society in our country.

I shall not dilate on this point much, because it seems that in the course of the discussion of this matter during the last fifteen years much of the objection for codification or creating uniformity in legislation seems to have lost its strength.

I shall now turn to the criticisms regarding some of the provisions in the Bill. The history of this Bill will show that it has gone through many stages. At one stage a comprehensive Hindu Code Bill relating to all parts of personal law governing Hindus was brought before the House. That Bill was referred to the Select Committee of the House. The Select Committee considered it and submitted its report. However, it was not found possible to find time in the Provisional Parliament to get the Bill passed into law. When this first Parliament of India came to be elected and commenced its work, Government thought it advisable to divide that Bill into certain parts, have those parts separately put in the form of Bills and then place those Bills separately before Parliament for being passed.

As regards the personal laws applicable to Hindus, the marriage law was one of the most important parts. That part was put in the form of the Hindu Marriage Bill and was recently passed by Parliament. It is now the law of the land. The other important part is the part relating to succession amongst Hindus. The present Bill relates to that part.

A good deal of the criticism against the Bill is that the Bill by its provision in sub-clause (1) of clause 5 defeats the very purpose of this Bill. On the one hand, it has been argued that, if this Bill retains that clause as it is, then the Bill will apply only to a very small section of the Hindus, and as such, the object of having one uniform legislation in the matter of succession even as regards Hindus will be nullified. Shri Chatterjee and Pandit Thakur Das Bhargava and several other Members very strongly pleaded that if a daughter was to be given the right of inheritance, you must not exclude the joint family of the type mentioned in sub-clause (1) of clause 5 from the operation of this legislation. As I have already expressed in the Rajya Sabha as well as in this House. I am entirely in favour of giving the daughter the right of succession even in joint family property which devolves by survivorship. I see the force of the argument of these hon. Members, and I am sure that the matter will be considered appropriately in the Select Committee, whatever my personal feelings are.

Some Members seem to be under a wrong impression that Government had not made up its mind even at the time when this Bill was brought forward and therefore have put the provision in this form; and that Government now want to say something which is entirely opposed to what they decided at the time of the introduction of the Bill. This is far from truth. The present Bill is the Succession Bill and the main question is

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what sort of succession should be given to a daughter and in what manner and to what extent it should be given to a daughter. It would be for this House and the Select Committee appointed by the House to decide the nature, extent and the applicability to this right of succession to be given to a daughter. It would be open to them to delete sub-clause (1) of clause 5. If they decide to do so, matters will become simple, logical and progressive. As the part relating to joint family of the Hindu Code is not yet placed before the House in the form of a Bill; the present Bill contains the provision as worded in clause 5, sub-clause (1).

Another objection raised to clause 5 is that, if we want to have one uniform law for Hindus, why does the Bill provide that it shall not apply to persons governed by *marumakattayam* and other Acts mentioned in sub-clause (3). These Acts relate, as is well known, to the matriarchal system of succession that prevails in certain parts of South India. That, again, to my mind, is a matter which it would be for the House and the Select Committee to finally decide. If I were to express my opinion, I would say that if the Select Committee were to decide to give the daughter an equal share along with the son and not half a share as is mentioned in the present Bill, it would not be difficult logically to make the provisions of this Bill applicable to persons governed by the *marumakattayam* and other Acts mentioned in sub-clause (3). The reason is simple. Under these Acts, the daughter gets an equal share with the son. The way in which we decide the question of the quantum of the share to be given to a daughter will determine the question of deleting or retaining sub-clause (3). For it would be neither equitable or fair merely for the purpose of having one uniform law to deprive the daughter of a full share where she gets it under the provisions of the *marumakattayam* and other Acts. This will not be consistent with the principle of our Constitution that there shall be no discrimination on the ground of sex. Similarly, if we decide to omit sub-clause (1) of clause 5, which it would be perfectly open for the House and the Select Committee to do, a daughter will be entitled to an equal share with the son in the property left by the father, irrespective of the fact whether he belonged to a *mitakshara* joint family or a *dayabhaga* joints family or whether he was the sole owner of separate property. It would be perfectly open to the Select Committee and the House to do so. Whatever decision we arrive at will ultimately affect the legislation which we have to undertake regarding the remaining parts of the Hindu Code.

Pandit Thakur Das Bhargava: May I submit one thing? So far as the scope of the Bill is concerned, it is either for the Chair or for the House to decide and not the Select Committee.

Shri Pataskar: May I request the hon. Member to ask me question at the end and not now?

Pandit Thakur Das Bhargava: Sir, I am not asking questions but stating a point of fact and law.

Shri Pataskar: The criticism that Government does not seem to have made up its mind in this matter is neither correct nor justified. One of the principles underlying the Bill is to give the daughter the right of succession along with the son amongst Hindus. That principle clearly runs through all the provisions of this Bill. The future structure of the joint family will ultimately depend upon the decision we take regarding the right of succession to women in general.

During the course of the discussion, I was happy to find that there was unanimity on the question of removing the disabilities of women in the matter of succession and every one was anxious that they should be dealt with fairly and squarely. Everyone

nas said that they want to be fair to their sisters and daughters; but it was argued that to give a share to a married daughter would create complications which will ruin the family life and lead to litigation as also to fragmentation of holdings. I shall first deal with the question of fragmentation.

At the present moment, there is no share to a daughter; yet the process of fragmentation has gone on and the problem of fragmentation is staring us in the face. The problem of prevention of fragmentation is purely an economic problem and is not one which only arises in respect of Hindus; it is a common problem. It is the result of various factors in the economic life of the country. That problem is being solved and will have to be solved on a different basis and in a different manner. The question of prescribing a minimum size of agricultural holding is being solved by different States. That question must not be mixed up with the question of giving a share to a daughter in the family. I remember, as far back as the year 1927 a Bill was introduced in the Bombay Legislative Council, as it was then called, for the purpose of prevention of fragmentation. I was a member of the Select Committee on that Bill and I had occasion to see as to how land under the ryotwari tenure in that State was desired into small bits which were uneconomic. At that time, the question of giving the daughter a share had not even arisen. I would, therefore, urge upon hon. Members not to mix up one question with the other.

Let us supporse that in a particular State the minimum size of an agricultural holding is prescribed by law, and that minimum is five acres of land. Under the law as it stands, if a person has ten acres of land and has three sons, all the three sons cannot have each of them five acres of land when they inherit to their father. Only two can get five acres each and the third will have to be compensated. The same thing will happen if the man had two sons and one daughter, and under the new law, the daughter was entitled to the same share as the son. I am aware that in the case of three sons there is a greater possibility that they may live together and may have no occasion to partition the land, but in the case of a daughter and particularly when she is married, there is hardly any possibility of her living together with her brothers. But in that case she can be given compensation for her share and we can find some solution in case of such a contingency. The just and equitable remedy is not the denial of her right on the ground of such a difficulty but to face the difficulty and as far as possible to solve it.

The other point about the disruption of the family by giving the daughter a share requires to be very carefully considered. It may be that in the new conditions as they are developing, the daughter of a family may decide to remain unmarried and in that case there is no reason why she should not inherit her father's property along with her brothers without causing any disruption in the family of her father. Similar is the case with a daughter who may have been married but who unfortunately has lost her husband. In that case also there is no reason why she should not be a co-sharer with her brothers in the father's property.

The hon. Member Shri Barman has narrated to us the case of a rich family where the brothers were rolling in luxury due to the wealth they inherited from their father, but the sister who had married an educated but not a rich person and who had the misfortune of becoming a widow, was undergoing the hardships of poverty as she was not entitled by law to any share in the large fortune left by her father. If she was entitled to a share in the property of her father, I am sure the brothers would have treated her differently. There are also not a few cases when women are discarded by their husbands after marriage. In such cases, their lot is miserable. Women undoubtedly deserve to have the right of inheritance in their

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fathers' families. Everyone will, I am sure, agree and have almost agreed, that such anomalies must be removed.

We have heard so much of the love between the brother and the sister. To some extent, it is natural but it is no good denying that as a rule the love of property seems to be stronger than the love of a sister. Sympathy for the unfortunate sister is there in plenty, but sympathy must not be mistaken for love, and in any case mere sentiment whether of sympathy or love solves no difficulties.

The main objection that is raised in respect of a share being given to a daughter is that in the case of a married daughter she would be under the influence of her husband and therefore, in spite of her wishes to the contrary, she may be used as an instrument by her husband for the purpose of creating trouble in the family of her father and disturbing the family life. This is a matter which I think deserves some consideration and thought. It does not, however, necessarily mean that a married daughter should be excluded from her natural right of inheriting her father's property along with the son. Already, a suggestion was made by some Members that the right of pre-emption in such cases should be given to the brother or other male members of the family. This is a suggestion which deserves consideration, and I think will be duly considered by the Select Committee.

We have already made provision in clause 25 that whenever there is a female heir who has got a share in the immovable property or in the business of the family, the property must not necessarily be partitioned by metes and bounds, and that she may be given only compensation in lieu thereof. There has been some objection raised with regard to the way in which this provision is worded in clause 25. I shall be in favour of making this provision more specific and clear than what it is now. I think it is worth considering if we can reasonably give the male members of the family in which a female has obtained by succession a right in the family property or business, the right of pre-emption as well as the right of buying off the share of the female heir on payment of adequate compensation to her at least in the case of a dwelling house or the business of the family. All these matters can be considered in the Select Committee and a solution found so that while giving the daughter a share along with the son, we shall avoid any possible hardships to the father's family as a whole. Every law must take into account the existing state of society, to which it is going to be made applicable and we shall certainly do so in the case of this important piece of legislation. The only thing to which I object is that we cannot and must not on account of possible difficulties sit with folded hands and give up the task of doing what is just and fair.

A suggestion was made that we should give a share to the unmarried daughter in the estate of her father but we should not give the married daughter a share in the property of her father. We should instead give her a share in the property of her husband's family. The suggestion has been made by some very responsible Members of this House and deserves consideration. I shall first try to examine the first part of this suggestion, namely, that we should give a share in the father's property only to an unmarried daughter and not give it to a married daughter. At the outset, I would like to point out that the matter is not so simple or easy as it looks. Supposing we decide to give a share only to an unmarried daughter and exclude the married daughter, what would be the result? Supposing the father dies leaving an unmarried daughter and a son, as also a married daughter. When succession opens, according to this proposal, the married daughter will be excluded from inheritance; the unmarried daughter will get her share along with the son. But it is just possible that this daughter after

having become entitled to her share of inheritance gets married as is very likely. Are we then to provide that in such a case on her marriage the share which she obtained should revert to the family of the father? To do so will only be to make her a limited owner of a new variety. Many of us are agreed that a limited estate has led to limitless complications and difficulties and is a fruitful source of expensive and ruinous litigation, and one of the objects of this Bill is to abolish the limited estate of a woman. It is just possible that between the time an unmarried daughter succeeds to her father and the time of her marriage her share might have been disposed of. It is a question as to what should happen in such a case. All these matters will have to be taken into account by the Select Commitee.

It is again wrong in principle to differentiate between a daughter and daughter merely on the ground that one is married during the lifetime of the father and the other is not. It may be argued that this distinction is justified on the ground that the father has already spent out of the family property and assets for the marriage of the married daughter but it may be that the daughter had married for love and of her own accord and no expenses have been incurred. We are all against dowry and we want to minimise marriage expenses. Under the circumstances, it is undesirable to connect marriage expenses with the share to which the daughter is entitled. In fact, the right of a daughter to be maintained by the joint family and her right to be married at the cost of the joint family are historically the remnants of her original right to a share in the property itself. For the benefit of those of my friends who would more readily rely on judicial decisions than anything else, I would mention that they will find this proposition laid down by their Lordships of the Madras High Court in the famous case of Subbayya v. Anant Ramayya in I.L.R. 53 at pages 90 and 93. It is high time that we restore to the daughter her original right and not in any manner stick to the anomalies that have arisen on account of this right being denied to her. Considered, therefore, from various aspects, to make a distinction between a married and an unmarried daughter for the purpose of inheritance is fraught with so many difficulties.

One of the arguments advanced as to why the married daughter should not be given a share was that in the Hindu society the father incurs a good deal of expenditure for the marriage of his daughter and it has been argued that in many cases this expenditure exceeds what may amount to her legitimate share in the property. It is true that at the present moment a father does spend considerable amount on the marriage of his daughter. A father, whether he is a Hindu or a non-Hindu, whether he is orthodox or a reformer, loves all his children alike —whether a son or a daughter. As a matter of fact, the father under the present circumstances is all along conscious that after his death his sons will get share in the family property or in his business, but his daughter will get nothing. He is therefore by natural instinct anxious to do his best for his daughter; and that he can do only at the time of her marriage. But does that in any way ensure for the benefit of the daughter in whose name and for whom the father spends at the time of the marriage, whether by dowry, *dahej*, or other kinds of presents and expenses? I recently had occasion to attend the marriage of the daughter of a middle-class Hindu in Delhi. When he showed me the number of articles which he was going to give to his daughter at the time of her marriage and told me the amount of money which he was going to give to the son-in-law, I felt convinced that he must have incurred debts to be able to do all that he was doing for his daughter. But in all seriousness, when I considered the matter from the other point of view as to how much of it will really be for the benefit of the daughter, I came to the conclusion that it will all be of no use to her. When she goes to the family of the

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husband, all the gold and the other articles would go into the pool of the family of her husband: the money will go to the account of the husband or the father-in-law, and the elderly male and female members of the family of her husband will distribute all these articles amongst themselves, leaving the newly married daughter-in-law all by herself, alone. You may say it would be her *stridhan* property, but I am sure, in fact it would be the *dhan* —property—of her husband's family over which she has no control. Will it not be much better if she was to get her proper share in her father's property, instead of any such money being spent in this manner for her marriage in lieu of that share? That would make her economically more independent and would increase her status even in the family of her husband. Instances have not been wanting when after such lavish expenditure on the marriage by the father, daughters have been discarded by the husbands either at their own instance or at the instance of the members of the husbands' families. In that case, the daugter even of a rich man is thrown without any resources on to the wide world.

I am therefore inclined to think that the sooner we stop this custom of dowry and the lavish expenditure on marriage the better for all concerned and the only proper way to improve the phesent state of things is to give the daughter a right to a share in her father's property. In sociaties where by law the daughter has got a share in the family property, the custom of dowry is not generally prevalent. It may be that merely by the passing of this Act the system of dowry may not immediately disappear, but I am sure that in course of time and as a natural result of the economic factors and human and natural considerations, it is bound to disappear. It is a strange phenomenon that those who cry against this unwholesome practice of giving dowry also try to support continuance of the present system where the daughter is denied the right to share in her father's property.

I am aware that in rural areas a very large number of people have only got a dwelling house and a few acres of land. It is also true that if we give the doughter a share in the property, she will in most cases be not a resident of that village, but of some other place. Under the circumstances, she may not find it convenient to continue to be a common sharer with her brothers. If we allow her the unrestricted right to partition by metes and bounds the dwelling house or the small piece of land of her father, the result may not be very advantageous either to her or to her brothers. The best solution therefore to my mind would be to give the right of pre-emption to the male members of her father's family and in case a male member so desires, a right to him also to compulsorily buy off the share of the female heir. If some such provision is made, there would be no cause for any disruption of any of the families in rural areas and at the same time the daughter will not be denied the right to have a share in the estate of her father along with the son. These are, however, matters which could be discussed along with any other suggestions which may be made in the Select Committee.

My friend Shri Tek Chand had made this suggestion of pre-emption and I find it acceptable. I hope he will now be convinced that I have a receptive mind and he was not justified in saying that what he submitted would only add to the load of the waste-paper basket.

Let us now examine the other part of the suggestion, namely, that a married woman should be given a share in the property of her husband's family along with the husband. Very many eminent persons and Members of this House have made this suggestion with all seriousness. This means that whenever a woman is married, she becomes a co-sharer with the

husband in his family. It is difficult to decide as to what form this share will take. Supposing the husband's family is a joint Hindu family. Will she be a member of the joint Hindu family with the right to claim a partition which, like her husband, every other male member has got? Supposing that family was a joint Hindu family governed by the *Mitakshara* rule of survivorship. Will she be entitled to the right of survivorship also? Then, again, a question will arise: what will happen to her share in the husband's property if she comes to be divorced by her husband: whether, if she were to obtain a divorce from the husband on the grounds on which she is now allowed to do so under the Hindu Marriage Act, she will still be entitled to a share in the husband's property? These are all questions which deserve to be seriously considered and analysed. I do not think it would be in the interest of the family of the husband to give the daughter-in-law a right to claim partition of the family property, nor in the very nature of things, can the right of survivorship be given to her because the right of survivorship is a corollary of the right by birth.

Then, again, it will be remembered that in the case of a divorce either by the husband or by the wife, her connection with the family of her husband will cease. In that case, what is her position? She loses all her rights in the property of the husband's family and because she was married she had already lost her rights in the property of her father. I have given very careful thought to this question and I believe that if we attempt to do any such thing as a remedy for holding on to the present system of joint family, the remedy may be found to be worse than the disease itself. I am approaching this question not with a mind locked as some members said but with quite an open mind and a clean heart to decide the question in the best interests of all concerned. There are bound to be difficulties in any solution which we may think of; but because the problem is difficult, we cannot close our eyes and allow things to drift. We must make a conjoint effort to solve this question and try to solve it in away which, while sacrificing the principles, will take note of the present and the future state of our society.

The hon. Member Pandit Thakur Das Bhargava has made a suggestion that the married daughter should not be given a share, and he has been pressing it for a long time. I am sure he will also take into consideration the difficulties which I have already pointed out. We have passed the Hindu Marriage Act which is now the law of the land. We have removed the inequality or discrimination against the woman by abolishing polygamy and thus raised the status of the woman. We have also in that Act granted the right of divorce both to the husband and the wife under certain circumstances. The former conception was that a girl once married must remain in the family into which she is married, whether neglected or respected, whether cared for or uncared for or whether kept in the house or thrown out of the same. Now the right of divorce means that under certain circumstances she can get out of the marital tie and out of her husband's family. In that event, giving her a right in her husband's family is of no consequence, because, when she ceases to be a wife, she ceases to be a member of that family. If she had a right to share in her father's property, she would in such event have an asset on which she can fall back upon. If a son can rely upon such an asset, *viz.*, a right to succeed to the estate of his father, I do not see any reason why a daughter in her new status should not have such a right in the assets of her father. I am sure all these matters will be carefully considered in the Select Committee.

A fear is expressed by certain persons that even if we given a share to the daughter in her father's family the same will be nullified by the father making a will of his property in such a way as to deprive the daughter of

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that share. Many of us are fathers of sons or daughters or of both, and I believe that a normal father will never do any such thing and if at all he had to do it for any reason, he will surely make suitable provision for his daughter when he is going to deprive her of her share by will. I have better faith in human nature.

In my opinion, the provision contained in clause 7 of the Bill abolishing all distinction between divided sons and undivided sons and between a female heir who is married and one who is unmarried, between a female heir who is rich and a female heir who is poor, etc. is a just and right provision.

If we decide to give the same share to a daughter as we give to the son, if we decide that the property of a female heir shall be her absolute property, it may not be necessary to provide for different modes of succession in the case of female Hindus and male Hindus. The matter will naturally be considered in the Select Committee and therefore I am not offering any reply to the various suggestions which were made with respect to heirs to property.

There has also been some criticism of the details regarding the heirs. All these, I am sure, will be considered by the Select Committee. As I have already explained, at the time of making this motion, in this matter, the Bill has generally tried to follow the schemes of the former Select Committee on the Hindu Code.

Clause 19, as I already pointed out, contains a saving in respect of properties which a Hindu woman has at the time of the commencement of this law as a limited estate. I have received some representations from widows who are limited heirs and some hon. Members also have suggested that the provision of this Act may also be made applicable to them. I have every sympathy for these unfortunate limited heirs. However, when they inherited the property, they inherited the same merely as limited heirs with the right of the reversioners to succeed to that property after their death. The right of the reversioners is not merely a *spes successionis* or the chance to succeed. It is something more and it would not be desirable or just to deprive them of this right which has accrued to them. It may not also be constitutionally correct and proper to do so. Besides in a matter like this it is not right on principles of legislation to legislate retrospectively. I am deeply conscious and aware of the hardships of these limited heirs, but I think from the larger point of view of the interest of society, it is much better to leave matters as they are in their cases. Such a law should not and must not be retrospective in its application.

Clause 25 has been the subject of some criticism. I have already explained the object with which this provision is made. Having heard the criticism of my lawyer-friends, I think it would be desirable to put it into more simple and less involved language. I am inclined to agree that as far as possible, a law should be self-contained and it would be better to put this provision in more direct form along with the provision of the right of pre-emption already referred to, if the Select Committee agree to it.

Clause 27 has been very vehemently attacked by some Members particularly my friend Shri Tek Chand. The main idea underlying this provision is that an unchaste widow should not ordinarily inherit. A wife who has been leading an unchaste life and who is not staying with her husband in his life-time should not be allowed to be his heir after his death. But supposing there has been some lapse in this matter on the part of the wife several years before the death of the husband, and that after that the husband had condoned the same and they had led a normal happy married life,

there is no justification for such a wife being excluded from inheritance after his death.

Motive of obtaining property is a very powerful factor in human affairs and it would be very easy for a prospective heir to make charges of unchastity against the wife after the death of her husband in order to deprive her of her legitimate right to succeed. The object of the provision is to prevent this happening unless in some earlier proceedings during the life-time of the husband himself, the question of the unchastity of the wife has been decided by a court of law. The wording of this clause will be looked into carefully in view of the criticism of some hon. Members and consistently with adhering to the basic object of the section, it would be suitably improved.

I have very carefully considered the various suggestions which have been made by hon. Members of this House. I am sure they will also be considered and taken into account by the Members of the Select Committee.

The Select Committee consists of 45 Members. I can assure hon. Members that there has been no desire to exclude any particular view and I am sure the Select Committee will take into consideration all points of views. Even while drafting this legislation, we had the advantage of the report of the former Select Committee on Hindu Code Bill. Some hon. Members like Pandit Thakur Das Bhargava and yourself, Sir, were members of that Select Committee and I am sure the views of all these members will be given due consideration by the proposed Select Committee.

Sir, a good deal of criticism has been levelled against this measure on the ground that it will disrupt the joint family of the *mitakshara* type as understood now. I am aware that it may be so; but this is only the logical and rational result of a process that started with the passing of the Hindu Women's Rights to Property Act in 1937, if not earlier. The late Shri Srinivasa Iyengar rightly stated in 1938 in his preface to the Maine's Hindu Law as follows:

> "It is obvious that the age of the Legislator has now come. The latest of the enactments, namely, the Hindu Women's Rights to Property Act, 1937, has struck at the root of the *mitakshara* system of coparcenary."

Sir, I have listened with respect to the impassioned plea of many hon. Members who fear that our culture may suffer and that our rural economy may receive too severe a shock.

As regards our culture, I yield to none in my respect for the same. Our culture has been evolved through centuries past and its course has always been very progressive. Our rules of relationship between man and man have always adjusted themselves to changing circumstances. The hon. Member Shri Nand Lal Sharma, who always begins his speech with some Sanskrit quotation, has complained that the Hindu Law which has followed the ancient sastras is not accepted in this Bill. This is neither true nor correct. The ancient sastras referred to by him cover a very large period of the history of Indian society. In the Vedic period, women had almost the same rights as men and the property inherited by a woman was her absolute property. Even the *mitakshara* itself has propounded views which were just to women. In fact, Vijnaneshwar, who lived some six hundred years after Manu, recognised the progress of Indian society during the centuries after Manu and laid down rules consistent with the changed circumstances of society. Shri Nand Lal Sharma and people like him vaguely talk of ancient sastras as if they had never changed and were the same during all these hundreds of years of the progress of Indian society. The essence of our real culture lies in the fact that it has always moulded itself to changing circumstances. It has never been static. As far back as

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the second or third century, Brihaspati laid down that a son is like oneself and a daughter is like a son. Men like Shri Nand Lal Sharma have never raised their voice when certain texts came to be misinterpreted by courts of law. The hon. Member Shri N. C. Chatterjee has stated how misinterpretation of some texts has led to discrimination against women. We are trying to restore to women the rights which they once enjoyed under the then prevailing sastras. Laws cannot now be laid down by mere sastris and pundits. But, the present sastris would be true to their traditions if they give a correct lead to the public by supporting such a piece of progressive legislation and not try to mislead the public in the name of the sastras. I appeal to them to live up to the high traditions of our eminent sastrakaras like Brihaspati, Vijnaneshwar and others.

Shri Gadgil: To Brihaspati there is no objection.

Shri Pataskar: He has given rights to the women.

I would appeal to those who, to me, appear to base their objection on political grounds to desist from doing so. This is a piece of social legislation. While conceding that difference of opinion on some of the detailed provisions of a measure like this is inevitable, no political considerations which are bound to be of a transitory nature, should be allowed to enter in the consideration of a measure like this. I would have avoided even reference to this matter but for the fact that one hon. Member went to the length of giving us a warning that our Government will fall. It clearly showed that the hon. Member's opposition was not based on the merits of the Bill, but was due to his opposition to this Government on political grounds.

Many hon. Members seem to have been caught in the whirl of arguments advanced against this progressive measure. Their fears are mainly due to the natural sense of conservatism in all such matters. I assure them that we have no desire to disrupt and break society and that no efforts will be spared to attain our objective by the process of smooth evolution. The Bill when passed, with due and proper safeguards which I have already referred to and which, I am sure, will be taken into account by the Select Committee, will mark the beginning of an era of equality and progress in social matters without unduly disturbing the trend of economic life of the bulk of our people.

As regards those who have no property whether in the city or the village,—and this is a very large number—they will not in the least be affected by this legislation. A very large number of our people live in villages. Most of them, as argued by many Members,—and that too rightly—have only a small dwelling house and a few acres of land as their immovable property. As regards these, with the safeguards of the right of preemption and the right to buy off in respect of the share of a female heir, no disturbance of their present economic life will be caused. On the contrary, many of the evils such as dowry and the custom of reckless spending on marriages will gradually disappear and there will be improvement in their economic condition.

As regards the middle classes, Shri U. M Trivedi thinks that they will be sapped out of existence. I shall take the liberty to point out that no such thing will result from this legislation. Amongst the so-called middle classes, who are educated and enlightened, the joint family system has been broken up as a result of the operation of the Gains of Learning Act of 1930. The hon. Member, Shri N. C. Chatterjee may be a member of a joint family at Calcutta, but his earnings as a lawyer in Delhi will never go to the coffers of the joint

family at Calcutta and people like him will not be affected adversely by this piece of legislation. In the case of those of the middle classes who mainly depend on service and have consequently to live in distant places and have to move from place to place, no dislocation is going to be caused in their economic life by this legislation. With regard to those middle class people who are petty tradesmen in villages or in cities and whose number is very large, conditions have already so changed that if a tradesman has two sons, as soon as they are grown up, they have to separate and start different small shops. If the father has a small grocery shop, the son has to separate and start a small stationery shop or a hardware shop. They cannot continue as before to be maintained out of one old grocery shop. In their case also, this piece of legislation will produce no undesirable economic effects. On the contrary, they will benefit by the same. It is only in the case of a few capitalist houses that they might find some difficulty by the introduction of the daughter's share in the family. But, their resources are so plentiful that with the right of pre-emption and the right to buy off regarding the share of the female heir, the male members of such houses will experience no difficulty by this piece of legislation. I know their houses spend large sums money on the marriage of their daughters and sisters. This expenditure will certainly go down and it will be not only to their good, but to the good of society as a whole. These are not days when display of wealth is good for any purpose. I would like to point out to them to look to the effects already produced on their capitalistic system by the provisions of the Income-tax Act and the Estate Duty Act. The proposed Companies Act may also produce its own effect. Under the stress of these economic and social forces, I would appeal to them to consider whether it would not be to their advantage to concede the rights laid down in this Bill to their daughters, sisters and wives.

When we were discussing the Hindu Marriage Bill in this House, those very eminent persons like Shri N. C. Chatterjee who opposed that Bill particularly in regard to the provision of divorce in that Bill, very ably pleaded that this right of divorce would mean nothing to a Hindu woman as she had no economic independence. This is a Bill which in some measure promotes the cause of economic independence of women. Having passed the Marriage Bill, which is now the law of the land, I hope and trust that every one will logically support this measure.

It is significant to note that all women Members of this House and all the enlightened women outside have supported this measure and are claiming this right of equal treatment with men. It is no good jeering at them and telling them that large numbers of women outside are not with them.

Even in this matter, I am glad to note that I have not to face the same rigid opposition which my predecessors had to face when they brought forward the Hindu Code Bill. There is a change for the better and an improvement in the situation. There is now almost no direct opposition to conceding to the women the right to hold property which she may inherit as her absolute property. I am glad all hon. Members have conceded that woman must be treated on a par with men. They are also prepared to concede that an unmarried daughter should be given the right to inherit to her father.

I hope I have been able to convince...

Some Hon. Members: We are convinced.....

Mr. Deputy-Speaker: Order, order.

Shri Pataskar: I hope I have been able to remove the cobweb of apprehensions and fears created by a sense of conservatism, that is, a desire to resist a change. To some extent they are natural. But, it should be our duty and task to solve this question without delay.

[Shri Pataskar]

I thank the hon. Members of this House for the generally useful and constructive discussion of my motion and the co-operation extended to us. I can assure them through you, Sir, that I shall try my best to give utmost consideration to the suggestions which have been made and I would also request them to consider the suggestions and points which I have made. I believe in the general genius of our people to solve even the most difficult problems without bitterness and in a spirit of co-operation and in the best interests of the unity of our nation.

I cannot conclude my reply without referring to the tragic incident which took place in our House on 7th May, 1955, when we were almost coming to the stage of concluding the discussion of this motion by the hon. Members of this House. I very much deplore the sudden and lamentable death of Shri Chinaria almost immediately after he had offered his remarks on this motion. I have read his speech very carefully. The late Shri Chinaria in the very first sentence he uttered made it clear that he was not against giving women the right of inheritance, and he emphatically asserted that such a right must be conceded. He said:

"मैं इस बात के विरुद्ध तो नहीं हूं कि बहनों को जायदाद में हक न हो। उन्हें हक जरूर होना चाहिये, और जमाना यह बताता है कि हर वक्त होना चाहिये।"

His only fears were that the present lagislation would disturb family life. I am sure that if the suggestions made today are accepted by the Select Committee and the House, no such disturbance will be caused. I deeply feel that Shri Chinaria is no longer with us to consider how best the fears and anxieties expressed by him could be removed. I hope and trust that we will all join in fulfilling his primary desire to give property rights to our sisters but with suitable safeguards to prevent avoidable hardship to society. That would be the most fitting and appropriate manner in which we could respect his memory.

I commend this motion for the acceptance of this House.

4 P.M.

Mr. Deputy-Speaker: Some amendments have been tabled to this motion regarding extension of time. The amendment for extension of time till 9th September has been moved by Shri Pataskar himself. There are two amendments to this amendment by Pandit Thakur Das Bhargava and Pandit D. N. Tiwary. I shall put these amendments to the amendment first.

Shri Pataskar: So far as my amendment is concerned, it has been necessitated by the fact that the time fixed at the time the motion was passed in the Rajya Sabha was the 1st of August, and now it is not possible for the report to be presented by that time. So, I have asked for extension of time by my amendment up to the 9th September, and I think, having listened to the arguments on both sides, that we should stick to the amendment which I have moved.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by Shri Pataskar, List No. 1 of amendments—

for "the 9th September, 1955" *substitute* "the 9th December, 1955".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That at the end of the motion, the following be added:

"This House further recommends to Rajya Sabha that the said Joint Committee be instructed to report on or before the last day of the first week of the next session."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That at the end of the motion the following be added:

"This House further recommends to the Rajya Sabha that the said Joint Committee be instructed to report on or before the 9th September, 1955."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to amend and codify the law relating to intestate succession among Hindus made in the motion adopted by Rajya Sabha at its sitting held on the 25th March, 1955 and communicated to this House on the 28th March, 1955 and resolves that the following Members of Lok Sabha be nominated to serve on the said Joint Committee, namely, Shri Hari Vinayak Pataskar, Shri Satyendra Narayan Sinha, Pandit Dwarkanath Tiwary, Shrimati Tarkeshwari Sinha, Shrimati Uma Nehru, Shri Raghubar Dayal Misra, Shri Bulaqi Ram Verma, Shri Birakisor Ray, Dr. Pashupati Mandal, Shrimati Jayashri Raiji, Chaudhary Raghubir Singh, Shri C. R. Basappa, Shri Rayasam Seshagiri Rao, Shri M. Muthukrishnan, Shri Khub Chand Sodhia, Shri Vaijnath Mahodaya, Dr. Devrao Namdevrao Pathrikar Kamble, Shri Dev Kanta Borooah, Sardar Iqbal Singh, Shri Beekha Bhai, Shri M. L. Dwivedi, Shri Radha Raman, Shri Shankar Shantaram More, Shrimati Sucheta Kripalani, Shrimati Renu Chakravartty, Shri S. V. L. Narasimham, Shri Vishnu Ghanashyam Deshpande, Shri Girraj Saran Singh, Shri K. A. Damodara Menon and Shri Choithram Partabrai Gidwani;

This House further recommends to the Rajya Sabha that the said Joint Committee be instructed to report on or before the 9th September, 1955."

Those in favour will say "aye".

Several Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will say "no".

Some Hon. Members: No.

Mr. Deputy-Speaker: The "Ayes" have it.

Shri V. G. Deshpande: The "Noes" have it.

Mr. Deputy-Speaker: Hon. Members who are against this motion may kindly rise in their seats.

Shri V. G. Deshpande rose—

Mr. Deputy-Speaker: Only one?

Shri V. G. Deshpande: No, Sir. My submission is...

Shri Gadgil: May I raise a point of order? The bell must be rung and everybody who is outside should have an opportunity. I think that is the correct procedure.

Mr. Deputy-Speaker: No, no. It is not so. The position is this. As soon as any hon. Member says a division ought to be held, it is open to the Chair to accept or not to accept the demand for division. In the latter case he can ask hon. Members who are against the motion to rise in their seats. If I find that there is a good volume in favour of division, I may order division in which case I will ring the bell. The question of ringing the bell has not arisen now.

Hon. Members who are opposed to this motion will kindly rise in their seats.

Seven. Those in favour of the motion now kindly rise in their seats.

There is an overwhelming majority. So, it is carried.

The motion, as amended, was adopted.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

The Deputy Minister of Home Affairs (Shri Datar): I beg to move:

> "That the amendments made by the Rajya Sabha in the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

When this matter was considered in the Rajya Sabha, certain amendments were made on the acceptance thereof by Government. Some of them are more or less of a consequential nature. For example, the House will find that the consideration of this Bill was started in 1954, and now we are in 1955. Therefore, certain consequential changes had to be made.

Then there was an inadvertent omission regarding the mention of the expression "by notification in the Official Gazette". That ordinarily occurs, but that was not done.

Then, in addition to these amendments which are more or less of an ordinary nature, there were certain substantial amendments moved in the Rajya Sabha and accepted by Government. The opponents of the Criminal Procedure Code (Amendment) Bill will find that these amendments are more or less of a liberalising nature, and I shall very briefly make a reference to some of these here.

It will be found that so far as clause 22 was concerned, it passed through a number of vicissitudes. The original intention was to drop section 162 altogether. Then, the second intention was that some changes should be made. Then it was considered by this hon. House that if, in respect of the statements taken by the police during investigation, the accused has a right for the purpose of contradiction, a similar right should also be extended to the prosecution because in some cases it is found that when statements are made immediately before the police, they are taken back or retracted for certain reasons which may or may not be satisfactory, and therefore, resiling from such statements is a very serious matter which affects the course of justice as well. In order to meet such cases it was considered that the accused as also the complainant or the prosecution should be put on the same footing. Here, though it is the same footing, still it will be found that under the Indian Evidence Act the prosecution or a party which calls a witness who resiles from the earlier statements has no right of cross-examination as such so far as his own witnesses are concerned, because when he calls a witness it is presumed that he will depose in favour of the party that calls him. But there may be cases where a witness called by a party is tampered with or resiles from his statement. In such a case the Indian Evidence Act provides for a remedy to him. He has to approach the court and request the court to give him the right to cross-examine the witness. The court will go into the evidence in the case. The court will find out the demeanour and the statement of the particular witness and it would come to the conclusion, or may not come to the conclusion, that the particular witness is a witness who has turned hostile. In case the court comes to the conclusion that he is hiding certain truth or going away from certain statements which are *prima facie* correct and that he is adverse or hostile to the party that called him, then the court grants permission. So far as this restriction which has been laid down in the Criminal Procedure Code is concerned, that is maintained, as it is and therefore, to that extent, there is no parity so far as the prosecution and the accused are concerned. It is always open to the accused to cross-examine and to contradict the witness by his previous statements. There no permission of the court is necessary. Here, the permission has been wedged in between the desire of the prosecution to cross-examine him and actual cross-examination.

Now, so far as this is concerned, the matter remains as it is. But there

are cases, where in the interests of justice itself it ought to be open to the prosecution to point out that a particular witness who made a statement once and who is resiling from the statement is an absolute liar and the best way of restraining a witness from going away from his own statement is to have a check on him by way of a contingency of cross-examination, and therefore this particular right has been given to the accused. And it will be found that so far as that right is concerned, it is already conceded by this House. The same thing was accepted, but the question arose in the Rajya Sabha as to whether, when there has been treatment of a prosecution witness as an adverse or hostile witness and if he is put certain questions in cross-examination, the accused will have a right of re-examining him. You will find that under the provisions of the Indian Evidence Act a witness is examined in chief and cross-examined. Ordinarily, the party calling him has the right of re-examination. Here it may be found that the party calling him has actually cross-examined the witness. Under these circumstances, in the interests of equity and fairplay, it was considered by the Rajya Sabha, to which Government also agreed, that the right of re-examination should be open to the accused as also to the prosecution when the cross-examination is by the other side. So, it will be found that this is a liberalising measure, so far as the rights are concerned. This is what has been done in respect of clause 22.

Then, it would be found that in clause 25 also, a right of appeal has been added. It would be found that clause 25 deals with prosecution on behalf of a public servant by Government. That was a very controversial clause. It was considered sub-clause by sub-clause, and ultimately a particular formula was evolved which was satisfactory to a large number of hon. Members of this House as also of the other House. The complaint in this case is filed by the public prosecutor on behalf of Government. In fact in all such cases complaints are filed only after the information regarding its falsity has been taken from the real complainant or the persons defamed, and therefore it was laid down that a summary procedure should be added on to this provision also, according to which if this complaint filed by the Government is found to be false and vexatious, then there ought to be somebody who ought to pay compensation therefor. In this clause, it has been laid down like this. It might be found that this is more or less a punishment against the officer himself, because the officer had stated that he had been defamed, but when the complaint is found to be false and unfounded, that means that there was no defamation but only the exposure of a correct thing, and therefore it was entirely improper to have filed a complaint, so far as this accused was concerned. In this case, the person who brought out all the information has stood the risk of prosecution—there was a prosecution,—and it was ultimately found that the person defamed had not been defamed at all, but the defaming person was right. Under such circumstances, in addition to section 250 which provides for compensation in the case of all complaints, a special provision was introduced in the Code of Criminal Procedure. But through oversight, however, the right of appeal had not been given to the person against whom compensation had been ordered. It was considered out of a sense of fairplay to the person against whom compensation has been ordered, that he also should have a right of appeal. All that has been provided in clause 25 by the additions which have been accepted by the other House.

Then, naturally other consequential provisions follow, namely that the fine is not to be recovered until the appeal has been decided, if any. So far as the last sub-clause is concerned, it is only a verbal change that has been made, and there are no substantial changes at all.

On onother point also, the Rajya Sabha has made a very important

[Shri Datar]

change. The original idea was that inasmuch as all the accused were not in such a state of helplessness as they once were, some change should be made so far as the nature of the examination of the accused was concerned. As you will find from the history of the Criminal Procedure Code, it was considered that when an accused was to be examined or when the examination of an accused was to be recorded, he was never to be examined as a witness at all. An optional change has been made in the law by this House and the other House. But here in this case when an examination is made by the court of the accused, certain safeguuards were laid down; and those safeguards were that questions of a general nature, questions of a fishing nature or even questions of a hostile nature like cross-examination should not be put to him. So, the original Criminal Procedure Code, as it stands, had introduced these words in three or four sections for the purpose of enabling him, i.e. the accused, to explain any circumstance appearing in the evidence against him. It was considered by this House, it was considered also by Government, that so far as this safeguard was concerned, the time has come when this safeguard may not be necessary at all. But the other House came to the conclusion that this safeguard ought to be retained. Therefore, all that has been done is that we have restored the original position. In all cases, whenever an accused is examined by the court, that examination or the nature of that examination has to be circumscribed by the safeguarding clause, namely that general questions cannot be put to the accused, but only such questions can be put as are necessary for the purpose of enabling the accused to explain the circumstances against him.

Therefore, so far as this matter is concerned, what has been done is to restore the position to what it was in the original Criminal Procedure Code; and naturally, clause 31 has altogether been deleted.

Then a consequential change was made when in the course of a sessions trial, the sessions judge dictates to the stenographer the points of a charge to the jury. After it has been transcribed, it forms part of the record. Through oversight, the word 'signed by the Judge' had not been put in. They have been put in now in clause 52.

So far as clause 63 is concerned, it follows on the footing that was there formerly. When the original Bill came from the Joint Committee, the proposal was that in respect of commitment proceedings, there ought to be an examination of witnesses without cross-examination invariably in every case. That was the position that had been accepted by the Joint Committee, but this House considered that even in respect of commitment proceedings, it ought to be a judicial trial in the fullest sense of the term, especially so far as the right of cross-examination is concerned. Therefore, it will be found that now the extent of the commitment proceedings has been brought down or has been reduced, but it still remains a case where the accused has a right of cross-examining such witnesses as are placed before the committing magistrate by the prosecution. Formerly, when this matter went there, we had put the expression 'recording the statement of witnesses'. The expression 'recording the statement of witnesses' meant examination without cross-examination generally. If there is a cross-examination, then it ceases to be a case of recording the statement, but it becomes a case of ordinarily examining the witnesses or taking the statements on oath. Therefore, in view of this very important change that had been made by this House, the other House had suggested that these three expressions, which were in consonance with the original view but which are entirely wrong in view of the very clear position that even an inquiry before a committing magistrate would give to the accused

a right of cross-examination whenever witnesses are placed before him and the depositions of the witnesses are taken by the committing magistrate, should be deleted. Therefore, these three expressions, 'recording of their statements' as they occur in certain sections have been altogether removed.

So far as clause 111 was concerned, instead of the word 'substituted', the word 'inserted' has been put in. 'Substituted' means something was already there and something else has been put in. 'Inserted' shows that a new thing has been added. So, you will find that this is a consequential change.

In regard to clause 112, the words 'with the previous sanction of the State Government' had been put in formerly; but it was considered appropriate and perhaps in consonance with decorum that instead of putting the word 'sanction' we might better put the words 'previous approval'. So, that has been accepted; and that is more dignified so far as the status of the High Court is concerned. In place of the word 'sanction', which gives the initative to the Government under certain circumstances, the word put in is 'approval'.

Therefore, you will find that so far as all these changes that have been made by the Rajya Sabha are concerned, they are in the line of making the law up to date, so far as the consequential changes are concerned, and in the line of making the law more liberal so far as the three or four points on which the other House has given its attention are concerned.

Before I conclude, I would make a very brief reference to an amendment which our hon. friend, Pandit Thakur Das Bhargava, has tabled. Again he has brought in his own idea that the whole matter should be shelved. I am afraid it is too late in the day to shelve this matter after so much time has been spent by this House as also by the other hon. House. So far as the number of hours is concerned—I speak subject to correction—at least 100 hours have been spent over the various provisions of this Bill in this hon. House, and in the other House also at least 35 to 40 hours must have been spent. Therefore, whether the 150 hours spent should completely be neutralised or whether the Bill should be allowed to go out as an Act so far as the present amendments are concerned is the question. And I would promise this House that in case the Law Commission consider that they ought to give their attention to this Bill as well, including the new amendments that we have introduced, it would be perfectly open to them to consider the whole matter. But the point that I am going to stress before this hon. House is that there are a large number of provisions—it has been admitted on both sides of the House—which are indisputably of a progressive character and which will improve the tone of administration in criminal courts and which will, to a certain extent also improve the tone of investigation. Therefore, the question that now arises is whether the whole labour that has been gone through over so many days and during a number of sittings should all be neutralised or wasted or whether the Bill should go out into the country as an amending Act. And let us try and have the experience of the working of the new amendments and by that time the Law Commission might consider to what extent any changes are necessary either in the original body of the Criminal Procedure Code or so far as the present amending Bill is concerned. Therefore, I would appeal to this House not to accept this last attempt made by my hon. friend for shelving the whole matter, because it would be entirely wrong to shelve the matter, especially when on the showing of many of the hon. Members here, who were never very kind or sympathetic to the provisions of the Bill, that there are number of provisions which are entirely of a satisfactory or liberal nature. I, therefore, hope that this hon. House will agree with the various amendments that have been moved and accepted in the Rajya Sabha, and will allow us to have this Bill become law as early as possible.

Mr. Deputy-Speaker: Motion moved:

> "That the amendments made by the Rajya Sabha in the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

To this there are certain amendments. Three amendments have been tabled by Pandit Thakur Das Bhargava.

Shri Datar: Three or two?

Mr. Deputy-Speaker: Three. One I did not circulate for the reason that it seeks to amend clause 3. Only such amendments can be moved as touch parts of the Bill which have been touched or amended by the Rajya Sabha. I find that clause 3 is not one of the clauses amended by the Rajya Sabha

Pandit Thakur Das Bhargava (Gurgoan): Sub-clause 3 has been amended. The question of notification is there. The Bill will be applied by a notification in the Gazette.

Shri Datar: That relates to clause 1.

Mr. Deputy-Speaker: Clause 3 has not been amended.

Pandit Thakur Das Bhargava: This is an amendment relating to sub-clause (3) of clause 1.

Mr. Deputy-Speaker: There is no sub-clause (3).

Pandit Thakur Das Bhargava: The question is about the notification. I have submitted that the notification should not be issued unless such and such conditions are fulfilled.

Mr. Deputy-Speaker: The hon. Member will kindly see the Bill at page 1, line 25. That is clause 3.

Pandit Thakur Das Bhargava: The amendment made by the Rajya Sabha was that the Bill should apply by virtue of a notification made in the Gazette, and I submitted that the notification should never be issued unless such and such conditions are fulfilled. This is the substance of the amendment.

Mr. Deputy-Speaker: That may be so.

Pandit Thakur Das Bhargava: My amendment is to that amendment made by the Rajya Sabha.

Mr. Deputy-Speaker: But it has not been put down here. I do not know what was in the original. The amendment is this...

Pandit Thakur Das Bhargava: This was never sent to me. Therefore, I do not know: otherwise, I would have corrected it.

Mr. Deputy-Speaker: That is what has been circulated. I will come to it presently.

Pandit Thakur Das Bhargava: This was never circulated.

Mr. Deputy-Speaker: For this reason, that it refers to clause 3 which has not been touched by the Rajya Sabha. I circulated the other two which are in these terms:

(1) That for the original motion, the following be substituted:

> "That further consideration of the amendments made by the Rajya Sabha in the Bill further to amend the Code of Criminal Procedure, 1898, be postponed till the Law Commission to be appointed by the Government has made its report in respect of the Criminal Procedure Code as passed by the Lok Sabha and amendments made therein by Rajya Sabha and other connected laws like the Indian Penal Code, the Evidence Act and the Police Acts etc. etc."

(2) That at the end of the motion, the following be added:

> "after the Law Commission to be appointed by the Government has made its report in respect of this measure and other connected laws."

Apparently, these are two dilatory motions. The Law Commission has not been appointed. It says—to be appointed and then after it has made its

report, to consider it. My difficulty is this. I would like the hon. Member to satisfy me on this point. Under rule 137 when a Bill is passed by this House and referred to the Rajya Sabha and the Rajya Sabha sends it back to us with certain amendments, further amendments are allowed only to those clauses that have been touched by the Rajya Sabha. But a motion that this may stand over or be postponed can be made, according to me, independently of that particular rule. But the hon. Member has to satisfy me as to how this is not a dilatory motion.

The Minister of Defence (Dr. Katju): Of course, it is a dilatory motion.

Pandit Thakur Das Bhargava: In the first place, whenever any Bill or any measure comes before any House, it is an inherent right of every member of the House to submit to the House that the matter may not be considered further. In this connection, may I respectfully bring to your attention rule 146—previously it was rule 137; now I find it is rule 146—whereby a Member is entitled to say that the further progress of a measure at any stage may be postponed.

Mr. Deputy-Speaker: I am not doubting it. But what are the grounds? The Law Commission has not been appointed.

Pandit Thakur Das Bhargava: Kindly hear me; I will give all the grounds I am capable of.

In the first instance, the Law Commission has now been promised to be appointed, and the Law Commission will go into this matter as well as other connected matters, the Indian Penal Code, the Indian Evidence Act, the Police Act and all other coercive Acts and other Acts which have got a bearing on the question. And when those Acts are gone into, the Criminal Procedure Code is certainly a measure which is connected with all those laws, and it shall have to go through this Code. This Bill has now been in existence before us only for a very short time, but the Code has been in existence for the last 58 years. We know what the law is. So far as the Criminal Procedure Code is concerned, it is a well-balanced, well-poised measure and all the different aspects of trials etc. in respect of all matters have been provided; it is a measure which has stood the test of time, whereas the measure that we are enacting, if you will kindly permit me to say so, we are enacting very wrongly. We have amended the law so wrongly that it is not even half so good as the previous law was. And if I may submit for the consideration of the House, in many matters, the law has been disfigured; the previous law was very much better, and the time that we have spent has not only been mis-spent; but, on the contrary, as the Urdu proverb says:

"अगर सुबह का भूला शाम को घर आजाये तो उसको भूला हुआ मत समझो"

We will be doing the right thing if we go on with the present law till the Law Commission seeks to change the laws radically.

Dr. Katju: On a point of order. Is the discussion to be confined only to the points on which the Rajya Sabha has made amendments or is the whole policy of the Code open for discussion?

Pandit Thakur Das Bhargava: I will answer that interruption...

Mr. Deputy-Speaker: Order, order. He has raised a point of order. The ruling is—not even on the amendments made by the Rajya Sabha.

Dr. Katju: He is going into poetry.

Mr. Deputy-Speaker: I am only asking him why this motion at this stage is not dilatory. We are not going into the merits. I do not want the hon. Member to go into details about the original amendments or the later amendments made by the Rajya Sabha. What is wanted is a mere statement. If the Commission had been appointed and all these matters had been considered at a particular stage, it is one

[Mr. Deputy-Speaker]

thing. But it has not yet come into being. It may or may not touch upon that, and if it does touch upon it, it modify this Act also.

Dr. Katju: By that time the Bill will lapse.

Mr. Deputy-Speaker: What has the hon. Minister to say?

Shri Datar: So far as this point is concerned, I may humbly submit to you that the attempt at a long speech is itself a delaying process and he cannot go into the earlier questions at all. The only question, as you rightly put it, is relating to the few amendments that have been accepted by the other House.

Shri Gadgil (Poona Central): May I say a word on this? The question now is whether this particular measure is dilatory or not, whatever be the intention of the hon. Member.

Shri S. S. More (Sholapur): Are you doubtful about it?

Shri Gadgil: The effect is that it will be dilatory, though not in intention, yet in action. This House and the other House together have spent 40 days over this Bill and calculating that one day costs about Rs. 15,000, over Rs. 6,00,000 has been wasted. Apart from this, all papers relating to the Bill and the principles of the Bill were circulated, public opinion invited, views of the high court judges and Supreme Court Judges ascertained. There were 21 meetings of the Select Committee of which I had the honour to be Chairman. Every sort of free discussion was allowed, and now at this stage to say that you should not go on with it till the report of the Law Commission, though not in intention at least in effect, will be that it will be postponed, and if it is postponed, according to the rules it will lapse also.

Shri Kamath (Hoshangabad): Is it right for the hon. Member to say that the money spent on parliamentary work is a waste?

Mr. Deputy-Speaker: It will be a waste; he only said that money would have been wasted.

Shri Sadhan Gupta (Calcutta South-East): The question here is whether the measure is a dilatory one or not. I submit that the facts given by Shri Gadgil are beside the point for consideration of this question. Whether we wasted Rs. 6,00,000 or Rs. 6 is entirely irrelevant to the problem.

Mr. Deputy-Speaker: Leave all that alone. What is the hon. Member's suggestion? Is it dilatory or is it not?

Shri Sadhan Gupta: It is not dilatory. The question is: Is there any valid ground for waiting for the Law Commission? The Law Commission is not such a distant thing. We have heard from reports that the Law Commission is about to be appointed and we can be quite sure that the Law Commission would go into all the laws of our country, civil, criminal and everything, and would decide what is the best way of amending our laws. Now, the question is whether at this stage we should bring into being far-reaching changes in the criminal procedure when a Law Commission would be about to consider them. Why should we? As Pandit Thakur Das Bhargava has pointed out, the existing Criminal Procedure Code has been in force for 56 years, and as a matter of fact, it has been in operation in one form or another, for I think, over 80 years, because the Code of 1898 was only a re-enactment of the old code with certain minor improvements. Therefore, we are amending an old established law, which has proved its merits, in a very drastic way, and in a way regarding which many Members of the House, comprising different sections of the House, have raised their objections and pointed out defects.

Secondly, it is not a fact that we had obtained the country's opinion on the point. The High Court Judges and Supreme Court Judges have given their opinions; it is quite true, but it

is also a fact that there are other relevant opinions which were not forthcoming. For a measure of this kind, we want the opinion of the bar. The bar's opinion was not very much forthcoming; they had not the opportunity to give it, and besides the bar, there is the question of other organisations who are directly affected by the law of criminal procedure; for example, the trade unions, the organisation of peasants—they are all concerned.

Mr. Deputy-Speaker: We are not on a motion for circulation.

Shri Sadhan Gupta: No, Sir. The question is that we had proceeded to the enactment of this particular code on a very inadequate appreciation of the opinions.

Mr. Deputy-Speaker: I have heard enough about this matter.

Pandit Thakur Das Bhargava: The objection was raised by the hon Minister, supplemented by our revered friend, Shri Gadgil. I have not been heard on the question, but other hon. Members are being heard. I should be heard on the question whether it is dilatory or not.

Mr. Deputy-Speaker: I heard the hon. Member.

Pandit Thakur Das Bhargava: I had not even advanced a single argument....

Mr. Deputy-Speaker: I only want to hear one or two things—whether the Commission has been appointed or when it is going to be appointed, whether it will go into this matter of modification and whether it will take all this into consideration. These are the things that I want, but the whole thing now is nebulous.

Pandit Thakur Das Bhargava: I am not allowed to speak at all.

Mr. Deputy-Speaker: The hon. Member will merely state his points; one, two and so on.

Pandit Thakur Das Bhargava: The whole House knows that Government have agreed that they will appoint the Commission very soon and there is no doubt about it. That Commission will go into these matters. There are two amendments that I have given. In respect of one, the Chair has been pleased to ask me: Why is it not a dilatory motion? In respect of the other, the Chair has not asked me anything at all.

Mr. Deputy-Speaker: I asked for both.

Pandit Thakur Das Bhargava: My humble opinion is that my motion is not dilatory. My motion, even if it were dilatory, is a good one. What is the use of telling me that Rs. 6,00,000 has been spent? Rs. 12,00,000 has to be spent in undoing this. When the Commission goes into these matters, it will also ask the Supreme Court Judges. We know what Mr. Justice Mahajan said about the Bill, but his opinion was flouted. We know the real intention of Dr. Katju when he sent this Bill to the Select Committee; we all applauded him. I still have to say that his intentions were good, but when it went to the Chairman of the Select Committee, they turned down these intentions and made proposals which uprooted the original Bill. How am I to condemn Dr. Katju? I praised him when I spoke last time and I still do so, but he is too sweet and soft a man for he changed his original intention subsequently (*Interruptions*). I do not know why these gentlemen are interrupting me. I want to place some arguments before the House so that as a matter of fact we will be well advised in postponing this measure.

Dr. Katju: How can that be?

Pandit Thakur Das Bhargava: If we allow this measure to go on, the Law Commission will have to undo it in this way because the Commission is sure to be influenced by the arguments of Dr. Katju, to the effect that there are 85 per cent. acquittals in sessions cases and commitment must go.

Dr. Katju: What has that got to do with the Bill today?

Pandit Thakur Das Bhargava: Evidently there is, because the money that has been spent has been regarded as well spent. The difficulty is that we have disfigured the Criminal Procedure Code; I do not want the Criminal Procedure Code which has been disfigured to be enforced. This will introduce much uncertainty in law. For the last 80 years or so there is a certain kind of procedure and everybody knows that it should not be disturbed in this manner. What about Section 162? The result is this that so far as the law is concerned, the charge will be framed on the basis of statements under Section 162 which is both preposterous and inconsistant with other parts of the Code.

I beg to move:

(1) That for the original motion, the following be substituted:

> "That further consideration of the amendments made by the Rajya Sabha in the Bill further to amend the Code of Criminal Procedure, 1898 be postponed till the Law Commission to be appointed by the Government has made its Report in respect of the Criminal Procedure Code as passed by Lok Sabha and amendments made therein by Rajya Sabha and other connected laws like the Indian Penal Code, the Evidence Act and the Police Acts etc. etc."

(2) That at the end of the motion the following be added:

> "after the Law Commission to be appointed by the Government has made its report in respect of this measure and other connected laws."

I may explain....

Mr. Deputy-Speaker: We are not going into details.

Pandit Thakur Das Bhargava: I am not going into details myself but I am submitting four or five salient points for your consideration.

Mr. Deputy-Speaker: He has sufficiently said that there are a number of controversial points here and the overall picture should be evolved by a Law Commission after going into all these matters—not only this matter but various other relevant matters which should be looked into and then only a final picture should be evolved in the light of its findings, and it will then be proper to have an amendment of this enactment which has been there since 1898. That is in short the pith or substance of the motion. But what does the Government say?

Shri Datar: I oppose the amendments on technical grounds and also on substantial grounds.

Mr. Deputy-Speaker: That is all right.

Pandit Thakur Das Bhargava: May I bring one more point to your notice? This House ordered the Select Committee to go into the entire matter and to consider not only clauses which were being amended but to consider amendments to other sections also. They considered the matter and said that the Law Commission would go into the entire Code having the full picture before them and then would decide what would be best for us. I do maintain that the Law Commission will do many other things also which will be in keeping with the genius of the people. For 200 years, the British governed us and they promulgated laws which were not suited to our genius. The Law Commission should go into all those matters, see everything afresh and remove the disfigurement that we have made already in this Bill. If you allow me I can suggest three or four points in regard to this disfigurement which had put uncertainty in the present measure and which had really made the law of the country which was in vogue for the last 80 years into a very different one. The Commission would go again into it and they will do the same thing again. What is the use of all these?

Why should you lose another Rs. 12 lakhs to undo the wrong which this Bill has done to us? The Commission will either radically change the Code or not change it at all. There will be no tinkering with it. My submission, therefore, is this. When the original Bill was there, it was submitted for the consideration of the House that the Law Commission was coming. When it went to the Select Committee, I went to the Select Committee and said that the Commission is going to be appointed. Many High Court Judges said and the Supreme Court Judges also said so. I said the same thing at the third reading. I say the same thing again. Why should my friend take objection to it? A Law Commission should go into it and decide. The Criminal Procedure Code is one of the most important pieces of legislation and it is not right to go on with this measure in this slip shod fashion and piecemeal. This House and the other House had amended it but they had not been able to do full justice. The House itself wanted that the Code should be wholly amended; yet it was not gone into and the Select Committee did not obey the behest of the House It came up before us in a transacted form. There will be another Bill—a third Bill—in two years. (*Interruptions*).

Mr. Deputy-Speaker: The hon. Member is expatiating. With all respect to the hon. Member, I have heard the point. He referred to rule 146. It is open to an hon. Member to move that the debate on a Bill may be adjourned in any stage of the Bill with the consent of the Speaker. Under rule 323, if the Speaker is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the House, he may either forthwith put the question thereon from the Chair or decline to propose the question. In view of the fact that the hon. Member who has tabled these two motions is an eminent lawyer, I do not want to take the responsibility to decline to propose this question. I will immediately, without any ado, put this question to the vote of the House. He has been making a suggestion even at the third reading stage and at other stages also that a Law Commission should decide all these matters. Unfortunately the House decided otherwise. It could have thrown away the Bill and accepted his suggestion even at the third reading stage; that course was open to the House; it has not been done. In those circumstances, in view of what has occurred regarding the opinion of the House, I do not think that this is a motion to be allowed by me. But I do not take the responsibility and I will put it to the vote of the House.

The question is:

That for the original motion, the following be substituted:

> "That further consideration of the amendments made by the Rajya Sabha in the Bill further to amend the Code of Criminal Procedure, 1898, be postponed till the Law Commission to be appointed by the Government has made its report in respect of the Criminal Procedure Code as passed by Lok Sabha and amendments made therein by Rajya Sabha and other connected laws like the Indian Penal Code, the Evidence Act and the Police Acts etc. etc."

The amendment is negatived.

Some Hon. Members: No.

Mr. Deputy-Speaker: Those who are in favour of this amendment may stand in their seats.

There are sixteen.

Those who are against will please rise in their seats.

By an overwhelming majority the amendment is lost.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That at the end of the motion the following be added:

> "after the Law Commission to be appointed by the Government

[Mr. Deputy-Speaker]

nas made its report in respect of this measure and other connected laws."

The motion was negatived.

Mr. Deputy-Speaker: There are now two courses open. We can immediately go into the amendments one after the other or allow an opportunity to hon. Members to say what they have to say regarding these amendments. I will then put the motion—the motion for taking the amendments into consideration—to the vote of the House.

Shri U. M. Trivedi (Chittor): How many hours have been allotted for this?

Mr. Deputy-Speaker: I think one hour.

Shri Sadhan Gupta: Regarding these amendments there are very few principles which are common to all because some of them are objectionable, some of them necessary and some of them are unnecessary. Regarding the amendment to Clause 22, it is very difficult to understand what the idea behind this amendment is. Now, the words 'by the accused' are sought to be deleted. It is clear that in this context the words 'by the accused' are quite appropriate because after all what we had enacted in that particular clause is that the witness if he is called by the prosecution can be contradicted by the accused and what we have added is he can be contradicted with the permission of the Court by the party calling him—that is to say, the prosecution. Now, where does re-examination come in in this context? I can understand if the accused contradicts him, prosecution re-examines him with the help of the statement recorded. But I do not see how after the prosecution contradicts, the accused can re-examine him. The Deputy Home Minister has himself read out that the witness can be re-examined by the party calling him. After he has been declared hostile, if the prosecution in the course of contradicting him creates a sort of ambiguity which can be resolved by the statements made before the police, then the duty or the right of the accused is not to re-examine him but to cross-examine him and clear up the ambiguity by cross-examination. The accused can never re-examine him and, therefore, as it is only the prosecution witness that is liable to be contradicted by the statements recorded before the police, it is only the prosecution that can re-examine him. And, the most sensible provision is that, if he is cross-examined by the accused, if he is contradicted by the accused, the statements can be used in re-examination. There is no sense in re-examination by the accused.

Now, regarding the amendments to Clause 25 by which sub-clause (9A) and sub-clause (9B) have been introduced, I have no objection regarding sub-clause (9A), but I do have an objection regarding sub-clause (9B). Sub-clause (9A) gives the right of appeal. That is a fair thing as far as it goes because once compensation has been awarded against a person, he ought to have a right to appeal. But, I do not see why sub-clause (9B) comes in. If he has the right of appeal and there is a case of staying the compensation awarded against him, then the proper thing for him to do is to file an appeal and obtain a stay order. That is the usual rule everywhere, in civil as well as in criminal cases. If you have a sentence of fine awarded against yourself, you file an appeal or you file a petition for revision and you get a stay order. If you have a decree against yourself, you file an appeal or a petition and obtain a stay order of the execution. That is the rule. If you make a departure in this case and if you allow the appellant *ipso facto* the right of having a stay till the appeal is decided or till the time for appeal lapses, then it will be doing a great injustice to the person who has been falsely prosecuted. The injustice will result

in this way. Sir, you have considerable experience at the bar and even on the criminal bar and you know that there is a great time lag between the filing of an appeal and the actual disposal of it. If the appellant is interested in getting the order of compensation stayed then he hurries up, files the appeal, has it brought on the list and has it heard expeditiously and gets the stay order. Otherwise the appeal is summarily rejected and there is no question of any stay. But, if the right given to him is that he could have the order indefinitely stayed till the appeal is disposed of, there are many ways in which the appeal can be delayed after filing and all those tactics would be resorted to for the purpose of defeating the rights of the accused. Therefore, I am entirely opposed to sub-clause (9B) which gives the appellant the right to have the order stayed till the decision of the court or the expiry of the time. It must be the appellant who must take all steps expeditiously to file the appeal and get the order stayed.

Now, regarding other matters I have not much to say and a few of the provisions I do welcome. We fought very strenuously for them—for instance, the change in Clause 25 and the deletion of Clause 31 by which surreptitiously it was sought to introduce a provision which would enable magistrates to question and cross-question an accused person and make him confess to his guilt out of his own mouth. At the time we were opposing, I remember, Dr. Katju was of the opinion that there was nothing wrong in it. He said there was nothing wrong in trying to extract confession of the guilt out of the mouth of the accused. But, we thought it was very wrong. We tried in vain and we find that by the time it went to Rajya Sabha, perhaps this particular clause became fatherless due to the transfer of Dr. Katju and so, after all, justice has been done.

As for the other amendments they are mostly consequential and so I have no objection. But, regarding these two amendments—sub-clause (9B) of Clause 25 and the amendments proposed to Clause 22—we have our objections and I think the first is not sensible and the second is positively pernicious.

Pandit Thakur Das Bhargava: Sir, in regard to the new amendments that have come before us, I support most of them. At the same time I have to offer some remarks in respect of Clause 22, Clause 25 and Clause 31.

In respect of Clause 31, I am very glad that, after all, wisdom has dawned upon the Government in accepting this amendment in the Rajya Sabha. Here also we made a similar amendment and pressed the point upon the Government. But, the Government could not agree. Even in third reading, objection was taken to this aspect of the matter that out of the accused mouth you cannot extort a confession and ask him to make statements about it. I am very glad that after all the Government have agreed to this because in this House we laid great emphasis on it.

In regard to Clause 22, I am sorry I cannot agree with my friend Shri Sadhan Gupta. As a matter of fact the law of re-examination is this. When a matter is brought out in cross-examination which is damnatory to the opposite side, and that document, which is a document under Section 162 in this case, provides an answer to it—that is in the very body of the document you find an answer to the statement which has been made in cross-examination, you ought not to be debarred from using that statement. It is nothing but unjust. It is quite just that the accused also should have a right of re-examination. Supposing a person makes a statement in cross-examination under Section 162 which is not favourable to the accused and from the very document prepared by the police officer there are certain statements given there which are favourable to him and inconsistent with the evidence which is given in cross-examination by the prosecution, in that case, it is but fair, as the prosecution have the power of getting

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those statements made by the witness re-examined under the original Section 162, similarly the accused should be allowed to have re-examination of those statements made by the witness.

Shri Sadhan Gupta: Can the accused re-examine a witness?

Pandit Thakur Das Bhargava: I quite see that so far as the question in Evidence Act is concerned, re-examination can only be made by the party calling the witness. It is perfectly right. But at the same time if you see the principle of the rule, the principle is that if a person makes statements which are not favourable to the other party and in the document its reply is given, why shut out that documentary evidence which is in favour of the accused?

Shri Sadhan Gupta: He should be cross-examined in that case.

Pandit Thakur Das Bhargava: That right is already there. As it is, the witness comes in. The prosecution wants permission to cross-examine that man. The accused does not cross-examine or permission is asked after he has been cross-examined the accused. What happens? He has made a statement there which can be contradicted by the documentary evidence under Section 162 and yet, if the law is there as it is, he would be debarred from using that statement. This would be unjust. Therefore, my submission is that the amendment made in the Rajya Sabha is very just and should have been made. I was under the impression that even if the statement was not made and the accused brought it to the notice of the court that in re-examination he should be allowed, the court would have allowed him. But, now it is a statutory rule and the accused is armed with this power and I welcome this amendment.

But in regard to Clause 25, sub-clause (9A) I am very sorry that I cannot support this amendment. As you remember, Sir, Clause 25 is a clause by virtue of which, if a person made a defamatory statement against public servants or against Ministers etc. then that person was to be prosecuted in a court of session and there the case was to be treated as if it was a warrant case and the person who is complaining may or may not be called according to the discretion of the court. Now, in so far as that section is concerned, as I had occasion to point out at the time when this clause was there, it is an unusually topsy-turvy procedure. Ordinarily when I go to an officer and complain against a person.....

Shri K. K. Basu: (Diamond Harbour): The time is up.

Mr. Deputy-Speaker: I have no objection. If the hon. Member wants to finish he may continue for a few minutes. If he wants to speak at length then he may continue tomorrow.

Pandit Thakur Das Bhargava: I will finish in two minutes.

5 P.M.

The right rule is this: when a person makes a complaint, say, of bribery, etc., against a public servant or subordinate, the statement is taken for what the man's word is worth and an enquiry is made into it, and if the servant or subordinate is guilty, or is found to have behaved in a bad or some other way, he is brought to book. Now, the whole thing is made topsy-turvy by Clause 25. You will remember the discussion at that time. Now, it is not that an enquiry will be made into the conduct of the person against whom the complaint is made. On the contrary, the person complained against will become the complainant under Clause 25, and efforts will be made to find whether the allegations made by this man were justified or not. So, the whole thing becomes topsy-turvy.

Then again, this is not all. There will be a Secretary, either of the Department or of the Cabinet, or somebody else who will go into that matter and sift that question through

and through and after that, a complaint will be brought up. Even after these two things are done, and if the person in respect of whom the accusation was made was not just or was not fair, what would happen? The complainant would be asked to pay some compensation. The public servant will be asked to pay some compensation. The provision of appeal in such a case is a concession to the public servant which is unjustified. The framers of the law, as it originally stood, were perfectly right, in this context, in seeing that no appeal was provided. Appeal is the creation of statute and is not an inherent right. Now they are giving another concession which is unheard of. After passing two or three scenes, it is proved that the person who made the complaint was right and the person who was complained against was wrong, even then, if compensation is allowed, there is another appeal. This is an interminable proceeding. The proceedings which are originally taken against the public servant are not allowed to have their normal cause as they are usually taken in all cases. This is new kind of law—*Droit Administratif*—which they had in France. It is a departure from the accepted principles of criminal jurisprudence.

Then again, there is an appeal, a second appeal and a third appeal. I should think that the law was this: that under these circumstances, when a complaint is brought, no appeal should be allowed. Now, they are allowing an appeal. My humble submission is that this is entirely wrong and the right intentions of Dr. Katju are again being flouted for reasons which are not just and which are not fair. Therefore, I oppose this proposal.

Mr. Deputy-Speaker: I shall now put the question to the vote of the House. Tomorrow, we will come to clause-by-clause consideration.

The question is:

> "That the amendments made by the Rajya Sabha in the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The motion was adopted.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 26th July, 1955.

GIPD—US—165 LS—4-7-56—830